

# FEDERAL REGISTER

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**Volume 74****UNITED STATES  
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# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

#### PART 402—RAISIN CROP INSURANCE

##### Subpart—Regulations for the 1961 and Succeeding Crop Years

###### APPENDIX; COUNTIES DESIGNATED FOR RAISIN CROP INSURANCE

Pursuant to authority contained in § 402.1 of the above-identified regulations, the following counties have been designated for raisin crop insurance for the 1962 crop year.

###### CALIFORNIA

Fresno.	Merced.
Kern.	San Joaquin.
Kings.	Stanislaus.
Madera.	Tulare.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL]

JOHN N. LUFT,  
Manager,

Federal Crop Insurance Corporation.

[F.R. Doc. 62-780; Filed, Jan. 23, 1962; 8:48 a.m.]

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 2, Amdt. 1]

#### PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

##### Limitation of Handling

**Findings.** 1. Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is de-

clared to be the policy of Congress to establish under the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

**Order, as amended.** The provisions in paragraph (b) (1) (i) and (ii) of § 907.302 (Navel Orange Regulation 2, 27 F.R. 391) are hereby amended to read as follows:

- (i) District 1: 325,000 cartons;
- (ii) District 2: 325,000 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: January 19, 1962.

PAUL A. NICHOLSON,  
Deputy Director, Fruit and  
Vegetable Division, Agricultural  
Marketing Service.

[F.R. Doc. 62-762; Filed, Jan. 23, 1962; 8:46 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter II—Civil Aeronautics Board

#### SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-347]

#### PART 288—EXEMPTION OF AIR CARRIERS FOR SHORT NOTICE MILITARY CONTRACTS

##### Reasonable Level of Compensation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of January 1962.

In a notice of proposed rule making dated September 15, 1961 (EDR-35; 26 F.R. 8815), the Board proposed certain revisions to Part 288. Additional comments were sought in a supplemental notice dated October 19, 1961 (EDR-35A; 26 F.R. 9913). Part 288 exempts air carriers, subject to certain conditions, limitations and requirements, from sections 401 and 403 of the Federal Aviation Act to enable such carriers to perform charter services for the Military Air Transport Service on short notice. The revisions proposed by the Board in the notice relate to the minimum rate criteria embodied in Part 288 as one of the conditions upon the grant of the exemption authority contained therein. One of

the proposed revisions, an amendment to § 288.7(d) relating to standard mileage, was adopted as a final rule on November 30, 1961, effective December 15, 1961 (ER-342, 26 F.R. 11483).

Various air carriers, one applicant for a supplemental certificate and the Department of Defense have submitted comments in response to the notice and to the supplemental notice. The Board has given careful consideration to these comments, and has determined to adopt the amendments, proposed in the notice, with certain modifications, as set forth below.

The comments covered all aspects of the proposed modifications to the minimum rate criteria, namely: (1) Reduction in the level of certain of the minimum rates; (2) addition of new provisions permitting the application of round-trip rates to open-jaw trips, subject to certain conditions; and (3) specification of minimum available cabin loads for additional aircraft types. In addition, two carriers have proposed that the Board conduct an evidentiary hearing on the minimum rate question. These matters are treated in turn below.

1. *Level of minimum rates.* The notice proposed reductions in the minimum charges applicable to MATS operations as follows:

	Existing charges (cents)	Proposed charges (cents)
Round-trip passenger charter.....	12.9	12.7
One-way passenger charter.....	14.2	14.2
Round-trip cargo charter.....	13.75	12
Convertible cargo round-trip.....	16.5	13.8
One-way cargo charter.....	22.5	21.5

<sup>1</sup> Per passenger-mile.  
<sup>2</sup> Per ton-mile.

All but one of the carriers submitting comments in response to the Board's notice object to the proposed reductions. These objections may be grouped as follows:

- a. Objections to the overall methodology of the proposal;
- b. Alleged errors in computing the cost of service for various carriers;
- c. Alleged inadequacy of the rate of return on investment; and
- d. Alleged errors in determining the rate for one-way charters and convertible aircraft.

a. *Methodology.* As set forth in the notice, the revisions to the minimum rates were based upon the average cost of operations under the long-term MATS contracts for transatlantic and transpacific services. Carriers objecting to the general approach employed state that it gives undue weight to the cost of Pan American passenger contracts and to costs projected for the as yet unproven CL-44 aircraft type; that no weight is given to the need for back-up equipment, the cost of substitute service, or expansion capability commitments; that the minimum rate for passenger service



is set too low for profitable operations by several of the participating carriers and particularly for operators of piston-powered aircraft; and that no weight is given to the higher costs of "call" operations, some carriers arguing that separate rates should be set for such services.

There is, of course, no single mathematical technique for the establishment of a rate applicable to a group of carriers performing similar but not identical operations. Obviously, it is impossible to establish a rate which will yield the predetermined rate of return for each carrier. A rate set on the basis of the lowest cost operator might be unfair to carriers with higher cost operations. Similarly, a rate based upon the highest cost operator might result in excessive returns to other carriers and unfair charges to the transportation user. In determining the fair and reasonable minimum rate in this situation, the point of departure necessarily is the overall weighted average cost of service. However, such cost must be tested against the cost of service of each individual carrier, both with and without the return element, as well as the average unit costs of groups of carriers, to determine whether any circumstances require the rate to be higher or lower than the weighted average cost of the service.

**Round-trip passenger rate.** Based upon the costs as revised herein and discussed below, the weighted average cost for round-trip passenger charters is 2.76 cents per passenger-mile, including return on investment. With one exception, which we regard as atypical,<sup>1</sup> the passenger unit costs of the individual carriers, including return element, fall within a range of 5 percent above and 4 percent below the weighted average. Thus, while the operations within this range would yield varying rates of return, in no case is there an extreme disparity, nor would the return be below the fully allocated operating cost of any of these carriers. Finally, while the return realized by piston operators may well be below that of the jet operators, this is a natural result of the introduction in quantity of the lower cost aircraft. To predicate the price for all carriers on piston costs would result in an excessive rate for the user. On balance, therefore, we conclude that a minimum rate for passenger services of 2.75 cents, based upon the weighted average costs, rounded off, of the major long-term contract operations, produces the most reasonable result. This represents an increase from the rate of 2.70 cents proposed in the notice.

**Round-trip cargo rate.** For round-trip cargo services the overall weighted average cost, as adjusted herein, is 12.12 cents per ton mile. This average cost is heavily weighted by the CL-44 data, which account for 90 percent of the fixed contract awards. The significance of this is underscored by the fact that the projected CL-44 costs are considerably

lower than the costs of other cargo types as well as by the fact that in the absence of a substantial body of data based upon actual operations with the CL-44, the reliability of the forecast data available to the Board is not entirely insured.

The range of cost above and below the weighted average cost of 12.12 cents is wider than in the case of passenger operations. A rate based solely upon such cost would give undue weight to CL-44 data and would not cover the total operating costs of the L1049H aircraft which is the most efficient piston-cargo type. Under these circumstances the Board has concluded that the minimum rate for round-trip cargo services should be set at 12.5 cents per ton mile which is 3 percent above the weighted average and which will permit operations with the L1049H aircraft at a slight profit.

In fixing the rate for round-trip cargo services, the Board does not believe it has erred in failing to give weight to the CL-44 integration costs now being experienced. All of the available figures indicate that the CL-44 will in fact operate at lower unit costs than its predecessor piston-aircraft and no carrier appears to contest this fact. Moreover, while there have been substantial integration costs since the introduction of these aircraft in the past half year, we know of no theory which would support the establishment of a rate giving full and continuing impact to integration costs occurring only in a limited introductory period. By deferring the effectiveness of the proposed rate reductions until February 1, 1962, we believe that substantial justice will have been done. It is noteworthy that, notwithstanding the contentions made in this proceeding by CL-44 operators that the minimum rates are inadequate, the same carriers have made substantial reductions in their tariff rates applicable to military and commercial cargo, and have filed below-minimum rates with MATS on numerous occasions since last June.

We have considered the arguments that weight should be given to the need for back-up equipment and the cost of the expansion capability provisions of the MATS contracts. No carrier has provided any basis for reflecting these factors in the minimum rates. The carriers' cost estimates are based upon allocations of system costs and therefore include the cost of back-up aircraft, personnel and facilities. The expansion capability provisions impose no important restrictions on the use of the aircraft so committed. Until an emergency is declared by the Secretary of Defense, carriers are not obligated to fill expansion requests. To the extent that such aircraft are utilized by MATS, the services are paid for at the regular rates. If such aircraft are in fact productively engaged in other commercial operations there is no need to charge any part of their costs to the MATS service. If the aircraft are in fact idle, charging them to the other MATS services would produce an excessive rate for those services by burdening MATS with the cost of equipment which is not used and useful in the contract operations.

Several carriers contend that the proposed rates, being based solely on the costs of long-term fixed contracts, do not give weight to the alleged higher costs of so-called "call" service. In our opinion no specific upward adjustment for this factor is warranted. To begin with, the costs of call services vary widely. For example, while one award for one flight to an isolated area and requiring multiple crews might involve a very high cost to the carrier, other awards might dovetail with the carrier's operations and thus be capable of being performed at a cost comparable to those which would prevail under the long-term contracts. The same would be true of so-called call contracts which involve flights over an extended period of time and thus take on the cost characteristics of fixed-type contracts. While it is true that the minimum rate might be too low for particular call awards or for services as operated by a particular carrier, there is no obligation on the part of a carrier to bid the minimum rate or to bid at all if it believes that it cannot perform a particular contract profitably.

We have considered whether to establish a separate higher rate for call operations. The carriers engaged in call contract business are in competition with the long-term contract holders operating under the expansion capability provisions of their contracts. If a higher rate for call contracts were established, it appears obvious that MATS would offer additional business to the long-term contract holders under the expansion capability provisions, thus placing the call contract carriers at a competitive disadvantage. A majority of the carriers oppose a separate rate for call services on this ground. We conclude that the sound course is to establish the minima for fixed and call operations at the same level.

One carrier argues that the cargo rate (developed on the basis of transpacific operating costs) would be too low for transatlantic services because of the costs of landing at Gander and Shannon. The material submitted by the carrier suggested that these additional costs would be approximately one-half a cent per ton-mile on the CL-44. But the minimum round-trip cargo rate of 12.5 cents per ton-mile has deliberately been set somewhat above the average total cost of service with that airplane. It appears that the CL-44 operator should have no real difficulty in absorbing those additional costs even if they are in fact incurred. In any event, there has been no real showing that transatlantic operating costs are higher than transpacific or that different rates are warranted for either passenger or cargo operations as between the two areas.

Finally, although the carriers' comments stress consideration in favor of upward adjustments to the proposed minimum rates, there are other factors tending in the opposite direction. Thus, the minimum rates are based upon the carriers' own forecasts of expenses and investment. While we have made necessary adjustments to these forecasts we have not attempted to construct a hypothetical cost based on optimum opera-

<sup>1</sup>This is a small passenger operation to Bangkok, requiring multiple crews and utilizing DC-6A aircraft which are relatively inefficient for this service.



tions. Moreover, it must be stressed that we are fixing rate minima only. No carrier is required to bid at these rates nor is any carrier compelled to engage in any particular MATS contract operation. And, although it is argued that the minimum rates tend to be maximum rates as well, this argument is not factually correct. In a substantial number of cases, particularly in cargo operations, the loads carried are in excess of the minimum load requirements established herein. On the basis of studies of data contained in exemption applications and reports filed in connection with Part 288, the plane-mile revenues for cargo flights average roughly 5 percent above the minimum revenues calculated on the basis of an application of the ton-mile minimum rate to the minimum cabin loads. In sum, on the basis of the facts before us, we are satisfied that the methodology which we have herein employed for fixing the minimum rates is sound.

**b. Cost adjustments.** Four carriers have objected to various adjustments made by the Board to the carriers' expense and investment forecasts which form the basis of the cost calculations contained in the notice. Certain of these objections appear to have merit and the Board has made appropriate revisions to its cost determinations as indicated below. As previously noted, the result of these revisions is to change the weighted average cost of the round-trip passenger service from 2.72 cents per passenger mile to 2.76 cents, and the cost of the round-trip cargo service from 12.00 cents per ton mile to 12.12 cents. The cost adjustments set forth in the notice have been revised as follows:

(1) Provisions have been made for additional passenger service expense for Pan American to reflect the minimum seating capacity established for the Boeing 707-300 aircraft of 159 passengers.

(2) Pan American's investment has been revised to include an allowance for working capital and ground equipment and to reflect the book value of flight equipment as of December 31, 1961.

(3) Pan American's depreciation has been adjusted to reflect the reported costs for the nine months ended September 30, 1961 and to take into account authorization of aircraft pre-operating expenses of 4 cents per mile which was erroneously eliminated in the notice.

(4) As a partial offset to the above upward adjustments, we have reduced the level of Pan American's direct aircraft operating expenses (less depreciation) from 180.60 cents to 174.21 per mile. This adjustment is based upon a review of reported expense levels and trends for Pan American in the latest three quarters. Those reports show a declining trend in total operating expenses, and a level of direct aircraft operating expenses below that originally forecast by the carrier for MATS operations. Since there appears to be no reason why direct aircraft operating expenses for MATS operations should be any higher than for commercial operations, we have reduced the recognized expense level to the B-707 cost of 174.21 cents per mile reported by the

Atlantic and Pacific Division for the year ended September 30, 1961.

(5) All adjustments to Seaboard's forecast of \$3.26 per mile for CL-44 operations have been eliminated on the ground that Seaboard's total expense forecast per mile compares favorably with the adjusted forecasts of the other CL-44 operators.

(6) Seaboard's forecast has been corrected to reflect the cost of non-revenue miles related to the contract service.

(7) Where higher than minimum aircraft capacity was used in the calculation of cargo service costs, the data have been recalculated on the basis of minimum aircraft capacity.

(8) The upward adjustment to Flying Tiger's aircraft insurance expense has been eliminated on the basis of the carrier's explanation that its relatively low insurance costs are attributable to the large size of its CL-44 fleet as compared with other CL-44 operators.

(9) The downward adjustment to Riddle's DC-7F passenger liability insurance expense has been reversed, the Board finding that the carrier's forecast is reasonable when tested against the expense levels of other carriers.

The following cost determinations challenged by the carriers have been reviewed by the Board and found to be entirely proper.

(1) The adjustments to Pan American's passenger service and aircraft and traffic-service expense levels and to Flying Tiger's passenger liability insurance expense are found required in order to bring the levels of these expense categories into line with those of other carriers, as set forth in Appendix 2.<sup>2</sup>

(2) The following contentions have been rejected as unsupported by substantial factual data: (a) Seaboard's argument that its submittal of CL-44 costs did not include all of its operating expenses; and (b) Flying Tiger's assertion that ONA's cost estimates are not reconcilable with the costs under ONA's CL-44 lease arrangement with Flying Tiger.

**c. Rate of return.** Certain carriers attack the 8 percent rate of return employed in costing the MATS charter services. The principal arguments are that the 8 percent rate ignores the risk of fluctuation of MATS business, is lower than that used by the Board for other rate-making purposes, offers no incentive to provide increased capacity for the national defense and ignores the low aircraft utilization and shorter debt amortization periods associated with the MATS operations of some carriers.

The fixing of an appropriate rate of return is essentially a matter of judgment requiring, among other factors, an evaluation of the effect on capital costs of the risks of MATS operations as compared with other types of air carrier operations. In the Board's opinion, the MATS contract service involves somewhat lesser risks than normal airline operations. Thus, although there are substantial fluctuations in the total volume of business for any given carrier, no

carrier is under any obligation to offer to provide any service or to bid at the minimum rate if it believes such rate to be inadequate. Moreover, an operation once begun offers guaranteed revenues, which is not the case with scheduled operations, and the uncertainties are limited for the most part to operational problems and cost fluctuations. In view of these considerations, we are of the view that in fixing the minimum rate level for MATS contract services a return at the lower end of the zone of reasonableness is appropriate.

In our opinion, a rate of return of 8 percent after taxes will enable the carriers to pay their interest costs plus provide a moderate but reasonable return on equity capital. As shown in Appendix 3,<sup>3</sup> assuming an interest rate of 5.5 percent on debt capital, the returns on equity range from a low of 8 percent to a high of 59 percent depending on individual capital structures. Excluding carriers whose capital structures are atypical, the range of returns is in the area of 12 to 16 percent. We regard such returns as consistent with our findings on rate of return in the General Passenger Fare Investigation,<sup>4</sup> having due regard for the differences between military and commercial operations discussed above, and the fact that we are here concerned with rate minima only. An 8 percent return, combined with the protection and stability provided by the Board's minimum rate regulation should provide sufficient incentive to the carriers to devote adequate investment to the military requirements and to continue their re-equipment programs.

It is argued that the 8 percent rate of return ignores low aircraft utilization in MATS services. Since the minimum rates are based primarily on the carriers' operating cost estimates with minor adjustments, we must assume that the forecasts make appropriate allowance for this factor.

One carrier contends that an 8 percent return will result in a cash deficit to it after payment of interest and amortization on long-term debt incurred for the purchase of flight equipment. The return element is not intended to cover capital expenditures. Such expenditures are recouped through the depreciation account and to make an additional allowance in the profit element would result in duplicate reimbursement.

**d. One-way and convertible rates.** Some carriers object to the proposed one-way minimum rates of 4.2 cents per passenger-mile and 21.5 cents per cargo ton-mile on the ground that the cost savings related to the backhaul ferry trips are minimal and that the proposed rates produce less than the computed cost per plane-mile. The carriers' presentations in this regard generally overlook the fact that the one-way rate levels are predicated on the assumption that at least some backhaul flights will be sold to other charterers, thereby increasing the carrier's total revenues to a point which will more than cover total cost.

It is estimated that backhaul ferry legs can be performed at 15 percent less cost than a live passenger segment and 10

<sup>2</sup> Appendix filed as part of original document.

<sup>3</sup> Order E-16068, Nov. 25, 1960.



percent less than a live cargo segment. Thus, the total cost of a one-way trip plus the backhaul would be 92.5 percent of the cost of a passenger round-trip, and 95 percent of the cost of a cargo round-trip. The one-way minimums are set so that the cost to the user is 76 percent and 86 percent respectively of the round-trip passenger and cargo rates. As a matter of judgment we are of the opinion that there will be sufficient opportunity for the carriers collectively to fill the backhaul flights with non-military charters to justify establishing the minimum rates for one-way charters moderately below the levels indicated on a purely cost basis. Accordingly, we adhere to our determination of minimums of 4.2 cents per passenger mile and 21.5 cents per cargo ton-mile.

The Department of the Air Force proposes a process of post-operations price adjustment which will take account of those flights on which the carrier was able to sell the backhaul. Under the Department's proposal, the round-trip rate would be applicable to any trip on which MATS traffic was carried one-way and non-MATS revenue traffic was carried in the other direction. Although this proposal is not without merit we are not persuaded that such a solution to the problem would be desirable. At the outset it may be noted that if the Defense Department is to take the benefit of backhaul revenues it would be necessary to increase the level of the one-way charges since, as described above, those charges have been computed on the basis that some backhaul traffic will be generated on the average. Secondly, under the Department's proposal, the round-trip rate would be applicable whenever traffic is carried on the return leg, regardless of the amount of such traffic, the revenues received therefrom and any special expense that may have been incurred in connection with such traffic. The effect of this would clearly be to discourage carriers from seeking backhaul traffic except in those cases where the backhaul revenues would more than offset the reduction in the yield under the MATS contract. In the long run, this would increase the cost of service to MATS. Finally, the suggestion would place carriers on an unequal footing in bidding for MATS business, depending upon their ability to generate backhaul business. Indeed, the proposal could lead to undesirable competitive practices as carriers vie with each other for military business by representations as to their ability to generate backhaul revenues. Accordingly, we believe that it is preferable that all carriers be kept on an equal competitive basis insofar as one-way MATS charters are concerned, and that MATS be given fair treatment in the average price of one-way transportation by reflecting therein a reasonable estimate of the average revenues carried on backhauls. The appropriate level of backhaul revenues to be taken into account will be reviewed from time to time as part of our periodic review of MATS rates.

Several carriers have objected to the 13.8 cents proposed minimum rate for convertible cargo flights. In convertible service, the carrier must ordinarily

transport the seats and passenger equipment on both legs of the flight. This necessitates a reduction in the capacity available on the cargo leg, approximating 17 percent on the CL-44, L-1049 and DC-7F. We have increased the convertible cargo minimum to 15 cents per ton-mile in order to reflect this loss. On the other hand, we have made no allowance for alleged higher costs relating to a claimed lower utilization of convertible aircraft, to the carrying of the passenger service crew on both legs, and to aircraft servicing. These are believed to represent very minor expenses and the minimum rates have not been determined with the kind of precision which would justify the proposed refinements.

One carrier points out that the reduction in the convertible cargo rate will bring that rate below the 15.9 cent rate for individually waybilled Category A traffic performed on scheduled flights by route carriers. In our opinion, the full plane load charter rate should be below, not above, the rate for individually waybilled traffic, in view of the cost savings associated with the full use of aircraft capacity. Therefore, the new rate of 15 cents appears to be in better relationship to the Category A rate than was the old minimum of 16.5 cents.

2. *Round-trip definition.* In the notice, it was proposed to modify the definition of round-trip services so as (a) to permit the round-trip minimum rates to apply to trips which originate and terminate at different points provided that they are within 250 miles of each other, (b) to permit 50 ferry miles en route at no charge and (c) to permit 500 ferry miles en route at half rate.

Several carriers object to these proposals on the ground that they will result in a dilution of revenues. On the other hand, the Air Force would extend the application of the half-rate to ferry flights up to 1,500 miles.

Insofar as concerns the 50-mile free ferrying provision, the costs are minimal. The proposal with respect to flight origin and destination is not necessarily costly to the carriers. Since most MATS charters originate and terminate at military bases, there are pre-positioning and post-positioning ferries required in order to move the aircraft from the carrier's base and back. It should make little difference in the aggregate whether the pre- and post-positioning ferry flights are between the same points. We conclude that these two revisions will give MATS moderate flexibility in planning its operations at a minimum cost to the carriers and are reasonable.

The objections to the proposed half-rate for 500 mile ferry flights are more serious. On the one hand the carriers argue that the discount of 50 percent of the live mileage rate is excessive. On the other hand, the Air Force contends that the 500-mile limit on the application of the reduced rate deprives MATS of needed flexibility. We find that a rate of 75 percent of the live mile rate, applied to ferry flights not in excess of 1,500 miles, will reasonably accommodate the interests of carrier and user. While the carriers argue that the cost savings involved in ferrying empty aircraft are on the order of 10 percent of the live

mile operating costs, we believe that a rate which reflects a discount of 25 percent will be more comparable to the added cost of the relatively short flights that typically will be required. Accordingly, the ferry rate will be fixed at 75 percent of the live mile rate for round-trip passenger services.

3. *Minimum cabin loads.* Upon consideration of carrier comments, the minimum passenger load for the B-707 has been reduced from 160 to 159 seats. We are also omitting reference to the DC-8 in view of questions raised regarding the capacity of that aircraft and the fact that it is not being used at the present time in MATS charter services. For the same reasons, we will not at this time attempt to fix a minimum load standard for the CV-880, as requested by one carrier.

One carrier objects to the 95-seat minimum passenger load proposed for the L-1049A aircraft, suggesting 83 for the Atlantic and 78 for the Pacific operations. In our opinion, the proposed load standards would not be properly related to the operating costs of the L-1049A aircraft and to the seating standards for other aircraft types. While in terms of operating costs, the L-1049A is more comparable to the DC-7 aircraft than to the DC-6, the carrier-proposed minimums would be at or below the DC-6 level. The fact that the carrier cannot carry more than 83 and 78 passengers on Atlantic and Pacific services, respectively, merely demonstrates that the aircraft cannot operate economically on the very long hops. To set a lower minimum for this type of aircraft would, moreover, give the carrier an unwarranted competitive advantage over the DC-7 on groups of 87 and fewer passengers. Accordingly, we find that minimum cabin loads for the L-1049A aircraft type should be reduced to those specified for the DC-7, namely 88 seats for passenger operations, 12 tons for convertible cargo operations and 15 tons for all-cargo operations.

4. *Procedural matters.* Two carriers have requested the Board to make no changes in the MATS minimum rates without a full evidentiary hearing. The Board finds that such a hearing is neither necessary nor appropriate under the circumstances. This is a rule-making proceeding which may be conducted by the use of the informal procedures set forth in the Administrative Procedure Act. Accordingly, an evidentiary hearing is not legally required.

It is to be borne in mind that we are dealing here with the relaxation of restrictions attached to operating authority. Both the restrictions and the basic operating authority were originally made effective without an evidentiary hearing. We recognize, of course, that our action will have an effect on the level of the rates charged and the revenues of the carriers. Nevertheless, we are satisfied that we have provided an adequate opportunity to all parties to express their views and to submit data, all of which have been carefully considered in reaching our final determination, and that the requests for a hearing have not pointed out pertinent factual issues which could



be adequately resolved only after an evidentiary hearing.

The Board has examined the remaining comments of the carriers and finds that they do not alter our determinations herein.

Since delay in effectuating this amendment may result in unnecessary expense to the United States and since the amendment can be immediately implemented by the air carriers as to whom it is permissive in nature, the Board finds that there is good cause for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 288 of the Economic Regulations (14 CFR Part 288) effective February 1, 1962, by deleting § 288.7, paragraphs (a), (b), and (c), and substituting in lieu thereof the following:

**§ 288.7 Reasonable level of compensation.**

It shall be a condition on the exemptions granted by this part that the level of compensation for transportation provided for short notice MATS charter service shall not be uneconomically low. In the absence of specific Board approval, the compensation for such service shall not be less than the following:

(a) *Minimum charges.*

- (1) For round-trip passenger services—2.75 cents per passenger-mile.
- (2) For round-trip cargo services—12.5 cents per cargo ton-mile.
- (3) For one-way passenger services—4.2 cents per passenger-mile.
- (4) For one-way cargo services—21.5 cents per cargo ton-mile.

*Provided*, That a minimum of 15.0 cents per cargo ton-mile shall apply to segments of round-trips on which cargo is carried, in cases where passengers are carried on one or more other segments of the round-trip.

(b) *Minimum utilization of aircraft.* The minimum charges established by paragraph (a) of this section shall be deemed economic only when the resulting revenues are at least the equivalent of such charges applied to the following minimum loads:

Aircraft type	Number of passengers	Tons of cargo for convertible aircraft	Tons of cargo for all-cargo aircraft
B-707.....	159	23	28
OL-44.....	140	23	28
DC-4.....	60	6	8
DC-6/6A/6B/6C.....	83	9	13
DC-7.....	88	12	15
DC-7B/7C/7CF.....	95	15	18
L-1649A.....	95	15	18
L-1649B.....	88	12	15
L-1649C/1649G/H.....	95	15	18

(c) *Round-trip services defined.* For the purposes of this section, round-trip services are those services performed pursuant to contracts with MATS where (1) passengers or cargo are transported on 2 or more successive revenue flights where the last revenue flight terminates within 250 statute miles of the point of origin of the first revenue flight, (2) the air carrier operates en route not more than one ferry flight not exceeding 50

statute miles without charge and not more than one ferry flight not exceeding 1,500 statute miles at not less than 75 percent of the minimum live-mile compensation which would otherwise be applicable in accordance with paragraphs (a) and (b) of this section: *Provided*, That the minimum ferry charge in the case of charters governed by the proviso in paragraph (a) of this section shall be 75 percent of the applicable minimum live-mile charge for round-trip passenger services, and (3) the scheduling permits departures within 4 hours after arrival from each point on route except at one point where the aircraft may be scheduled for departure within 72 hours after arrival. If the trip otherwise meets the requirements of this definition, it shall be deemed a round-trip although passengers are carried on one or more segments thereof, and cargo on one or more other segments.

(Secs. 204(a), 416, Federal Aviation Act of 1958; 72 Stat. 743, 771; 49 U.S.C. 1324, 1386)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,  
Secretary.

[F.R. Doc. 62-777; Filed, Jan. 23, 1962; 8:48 a.m.]

**SUBCHAPTER F—POLICY STATEMENTS**

[Reg. Policy Statement No. 12]

**PART 399—STATEMENTS OF GENERAL POLICY**

**Military Air Transport Service Charter Exemptions**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of January 1962.

The Board, by publication in the FEDERAL REGISTER, 26 F.R. 8815, and circulation of PSDR-1, issued a proposed Policy Statement setting forth criteria which the Board proposed to use in granting individual exemptions to air carriers for the purpose of performing charter services for the Military Air Transport Service (MATS). No comments were received opposing the proposed Policy Statement.

Accordingly, the Board hereby amends Part 399—Statements of General Policy (14 CFR Part 399) by adding a new § 399.36, effective February 1, 1962, to read as follows:

**§ 399.36 Military Air Transport Service charter exemptions.**

In passing upon applications for exemptions from Sections 401 and 403 of the Act to enable air carriers to perform charters for the Military Air Transport Service (MATS), the Board will give great weight to the following criteria:

(a) Whether the carrier has executed a Civil Reserve Air Fleet standby contract;

(b) Whether the proposed service is in furtherance of the mission of the Department of Defense; and

(c) Whether the level of compensation provided in the charter contract is fair and reasonable.

The minimum charges set forth in Part 288 of this chapter (Board's Economic

regulations) will be considered as the minimum fair and reasonable charges for foreign and overseas services and for services between the 48 contiguous states on the one hand and Hawaii or Alaska on the other hand.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Administrative Procedure Act, sec. 3, 60 Stat. 238, 5 U.S.C. 1002)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,  
Secretary.

[F.R. Doc. 62-776; Filed, Jan. 23, 1962; 8:47 a.m.]

**Chapter III—Federal Aviation Agency**

**SUBCHAPTER C—AIRCRAFT REGULATIONS**

[Reg. Docket No. 1041; Amdt. 392]

**PART 507—AIRWORTHINESS DIRECTIVES**

**Douglas DC-8 Series Aircraft**

As a result of several incidents of failure of the tab lockout bracket in the aileron control reversion mechanism of Douglas DC-8 Series aircraft, and airworthiness directive is considered necessary, requiring inspection of all aileron tab lockout bracket assemblies and replacement of cracked parts.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

DOUGLAS. Applies to DC-8 aircraft Serial Nos. 45252-45289, 45291-45306, 45376-45393, 45408-45413, 45416-45419, 45421-45431, 45433-45437, 45442-45445, 45526, 45565-45570, 45588-45614, 45616-45628, and 45636-45638.

Compliance required as indicated.

To prevent aileron tab lockout mechanism bracket assembly failure, resulting in partial or complete loss of control force to one aileron, the following shall be accomplished:

(a) At periods prescribed in (b), conduct close visual inspection, using low-power magnifying glass or equivalent means, for evidence of cracking of the left and right side aileron tab lockout bracket assemblies, P/N 4643350. The critical areas to be inspected are shown in Douglas Service Bulletin 27-115, Figure 1, Step 3. Any evidence of cracking shall be verified by dye check or equivalent means, with the tab lockout cylinder disconnected from the bracket assembly, within the next 10 hours' time in service following the detection of such evidence of cracking. Any part found to be cracked shall be replaced prior to further flight with an assembly of the same part number which has been inspected in accordance with the provisions of this paragraph and found to be free of cracks or with assembly P/N 3773970-1.

(b) The initial and repetitive inspections of assemblies, P/N 4643350, shall be conducted at the following times:

(1) On assemblies which have accumulated a total time in service of less than 3,000 hours as of the effective date of this AD: Initial inspection within next 350 hours'



time in service, but in no event to exceed 3,100 hours' assembly total time in service; repetitive inspections thereafter at intervals not to exceed 350 hours' time in service except that after the assembly total time in service reaches 3,000 hours the repetitive intervals shall not exceed 100 hours' time in service.

(2) On assemblies which have accumulated a total time in service of 3,000 hours or more as of the effective date of this AD: Initial inspection within next 100 hours' time in service; repetitive inspections thereafter at intervals not to exceed 100 hours' time in service.

(c) When assembly P/N 3773970-1 is installed in place of P/N 4643350, the repetitive inspections may be discontinued.

(d) When assembly P/N 4643350 is replaced with an assembly of the same part number which has been inspected in accordance with (a) and found to be free of cracks, the replacement part shall be reinspected in accordance with the provisions of (b).

(e) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Douglas Service Bulletin 27-115, Revision No. 1, dated October 25, 1961, pertains to this same subject.)

This directive shall become effective January 24, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 18, 1962.

GEORGE C. PRILL,  
*Director, Flight Standards Service.*

[F.R. Doc. 62-745; Filed, Jan. 23, 1962; 8:45 a.m.]

#### SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-WA-104]

### PART 600—DESIGNATION OF FEDERAL AIRWAYS

#### Alteration

On March 22, 1960, there were published in the FEDERAL REGISTER (25 F.R. 2387), amendments to the regulations of the Administrator which designated VOR Federal airway No. 451 and its associated control areas from VOR Federal airway No. 146, in the vicinity of New Bedford, Mass., to Boston, Mass. These amendments were to become effective January 12, 1961. This effective date was postponed until February 8, 1962 (26 F.R. 6709, dated July 27, 1961).

On May 27, 1961, Airspace Docket No. 60-WA-127 was published in the FEDERAL REGISTER (26 F.R. 4634), amending in part the regulations of the Administrator by realigning Victor 146 and its associated control areas approximately 3 miles further to the south in the vicinity of New Bedford and raising the floor of its associated control areas in this area to 1,200 feet above the surface. These actions were effective June 29, 1961. Accordingly, action is taken herein to extend Victor 451 and its associated control areas southward to the centerline of Victor 146 and to exclude the portion

of Victor 451 below 1,200 feet above the surface within the confines of Victor 146. This will result in no additional assignment of controlled airspace because of existing designated Federal airways and controlled airspace in the immediate vicinity.

Since this alteration is minor in nature, and imposes no additional burden on any person, compliance with section 4 of the Administrative Procedure Act is unnecessary and the effective date of the final rule as amended may be retained.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 59-WA-104 (25 F.R. 2387, 12235, 26 F.R. 6709) is hereby amended as follows:

The text of Item 1 (§ 600.6451) is amended to read:

§ 600.6451 VOR Federal airway No. 451 (New Bedford, Mass., to Boston, Mass.).

From the INT of the Whitman, Mass., VOR 177° and the Providence, R.I., VOR 118° radials via the Whitman VOR; to the Boston, Mass., VOR, excluding the portion below 1,200 feet above the surface which lies within VOR Federal airway No. 146.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 17, 1962.

D. D. THOMAS,  
*Director, Air Traffic Service.*

[F.R. Doc. 62-746; Filed, Jan. 23, 1962; 8:45 a.m.]

## Title 25—INDIANS

### Chapter I—Bureau of Indian Affairs, Department of the Interior

#### SUBCHAPTER T—OPERATION AND MAINTENANCE

### PART 221—OPERATION AND MAINTENANCE CHARGES

#### Crow Indian Irrigation Project, Montana

On page 11734 of the FEDERAL REGISTER of December 7, 1961, Vol. 26, No. 235, there was published a notice of intention to amend § 221.12 of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Crow Indian Irrigation Project, Montana, that are not subject to the jurisdiction of the several irrigation districts. Purpose of this amendment is to establish the assessment charges for the season of 1962 and thereafter until further notice, and which charges are applicable to all irrigable lands in the Crow Indian Irrigation Project that are not included in the irrigation districts organizations.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. No written communications were received. The amended regulations are adopted as set forth below.

Section 221.12 is amended to read as follows:

#### § 221.12 Charges.

In compliance with the provisions of the act of August 1, 1914 (38 Stat. 583; 25 U.S.C. 385), the operation and maintenance charges, for irrigable lands under the Crow Indian Irrigation Project and under certain private ditches for the calendar year 1962 and subsequent years until further notice, are hereby fixed as follows:

For the assessable nondistrict area under constructed works on all Government-operated units excepting Coburn Ditch, per acre.....	\$3.10
For the assessable area under constructed works on certain tracts of irrigable trust patent Indian land within and benefited by the Two Leggings Unit, per acre.....	1.74
For the assessable area on certain tracts of irrigable trust patent Indian land within and benefited by the Bozeman Trail Unit, per acre....	1.30
For all lands in Indian ownership under the Bozeman Trail Unit on June 28, 1946, and under constructed works on all Government-operated units in the Little Big Horn watershed; for non-Indian, nonirrigation district lands, under private ditches, contracting for the benefits and repayment for the costs of the Willow Creek Storage Works; for operation of said Works, per acre.....	.15
For certain tracts of irrigable trust patent Indian lands within and benefited by the Two Leggings Drainage District (contract dated June 29, 1932), per acre.....	.75

M. A. JOHNSON,  
*Acting Area Director.*

[F.R. Doc. 62-747; Filed, Jan. 23, 1962; 8:45 a.m.]

## Title 29—LABOR

### Chapter V—Wage and Hour Division, Department of Labor

### PART 779—THE FAIR LABOR STANDARDS ACT AS APPLIED TO RETAILERS OF GOODS AND SERVICES

#### Appendix; Enforcement Policy With Respect to Certain Retail and Service Establishments

Pursuant to authority in the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR 1949-1953 Comp., p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), the following enforcement policy has been adopted under the Fair Labor Standards Act, effective September 3, 1961, with respect to compensation for certain employees employed by retail or service establishments having branch stores in the same local community.

1. As an enforcement policy in the administration of the Act, the Administrator of the Wage and Hour Division of the Department of Labor will, unless otherwise directed by the courts, consider that the minimum wage and overtime pay requirements of the Act are complied with, in the case of an employee whose employment in the particular workweek meets all the conditions set forth in paragraph 2, if for such work-



week that employee is paid not less than the minimum wages specified in section 6(b) of the Act and compensation for any overtime worked in accordance with the provisions of section 7(a)(2) of the Act.

2. The applicability to an employee of the enforcement policy stated in paragraph 1 of this notice is subject to the conditions stated in this paragraph 2. The enforcement policy is intended to apply to any employee whose employment during his workweek is in all respects the same as that which was authorized to be treated as exempt from the minimum wage and overtime pay requirements of the Act under an enforcement policy which was in effect prior to September 3, 1961 as stated in paragraph 3 of this notice. This former enforcement policy, which was set forth in the former § 779.4(b)(3) of Title 29 of the Code of Federal Regulations, was applicable to certain employees of a retail organization having a main establishment and branch establishments in the same local community and had the effect of excepting such employees, under specified conditions, from the application of the general rule that employees performing central functions for two or more retail or service establishments are subject to the minimum wage and overtime pay requirements of the Act. The enforcement policy stated in paragraph 1 of this notice does not apply to any employee whose employment would not, prior to September 3, 1961, have satisfied all the conditions required by the former enforcement policy as prerequisites to his exempt treatment thereunder. Accordingly, the enforcement policy stated in paragraph 1, like the former enforcement policy, will not apply to an employee unless—

(a) He works in a retail or service establishment (as defined in the Act), more than 50 percentum of whose annual dollar volume of sales of goods or services is made within the State in which the establishment is located; and

(b) He is employed for the purpose of performing activities which are part of the ordinary business operations of such establishment, and his work relating to branch establishments is confined to similar functions; and

(c) The main establishment in which he works, and all the branch establishments to which his work also relates, are establishments which would qualify for exemption under section 13(a)(2) or 13(a)(4) of the Fair Labor Standards Act if the 1961 amendments to such Act had not been enacted; and

(d) The main establishment and its branches are, organizationally, operated in the same local community as integral parts of a single store; and

(e) The employer does not operate more than four such branches of his main establishment; and

(f) The annual dollar volume of sales of goods and services made by the main establishment is greater than the aggregate annual dollar volume of sales of goods and services made by all the branch establishments.

3. The enforcement policy stated in paragraph 1 of this notice will permit the application to the employees who come within its terms of the same minimum wage and overtime pay standards as are provided by the amended Act for employees who were brought under its provisions for the first time on September 3, 1961 as a result of the 1961 amendments. This is believed to be justified because until that date employers were entitled under section 10 of the Portal-to-Portal Act of 1947 (61 Stat. 84) to be relieved of liability or punishment for any failure to pay minimum wages or overtime compensation to the employees described in paragraph 2 of this notice. This could be done upon a showing of good-faith reliance (see 29 CFR 790.13-790.16, 790.18), on the former enforcement policy described in that paragraph, which was in effect during the period beginning October 28, 1950 (15 F.R. 7245, 29 CFR § 779.4(b)(3)) and ending September 2, 1961 (26 F.R. 8333, 29 CFR § 779.10). As published, this former enforcement policy was expressly limited by a statement that it would be followed "pending judicial clarification of the status of such employees". As a result of further clarification by the United States Supreme Court and other Federal appellate courts, which indicated that the statute would not support such a policy, no restatement of the former policy was included in the revised interpretative bulletin on the Fair Labor Standards Act as applied to retailers of goods or services, which was published on September 2, 1961, in the FEDERAL REGISTER (26 F.R. 8333, 29 CFR Part 779), following the enactment of the Fair Labor Standards Amendments of 1961 (75 Stat. 65).

Signed at Washington, D.C., this 18th day of January 1961.

CLARENCE T. LUNDQUIST,  
*Administrator.*

[F.R. Doc. 62-756; Filed, Jan. 23, 1962;  
8:46 a.m.]

## Title 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

#### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2590]

[88234]

#### OREGON

#### Abolishment of Oregon Grazing District No. 7

By virtue of the authority vested in the Secretary of the Interior by the Act of June 28, 1934 (48 Stat. 1269; U.S.C. 315, et seq.), as amended, known as the Taylor Grazing Act, it is ordered as follows:

1. Departmental Order of December 18, 1936, establishing Oregon Grazing District No. 7, and Departmental Orders amendatory and supplementary thereto

are hereby revoked and the said grazing district is hereby abolished.

2. The vacant unappropriated public domain lands shall be subject to lease for grazing purposes under the provisions of section 15 of the Taylor Grazing Act upon the expiration of current licenses. Applications to lease shall be filed in the Bureau of Land Management office, 2803 Broadway, Baker, Oregon.

JOHN A. CARVER, Jr.,  
*Assistant Secretary of the Interior.*

JANUARY 17, 1962.

[F.R. Doc. 62-749; Filed, Jan. 23, 1962;  
8:45 a.m.]

## Title 46—SHIPPING

### Chapter IV—Federal Maritime Commission

#### SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 5]

#### PART 511—REPORTS BY COMMON CARRIERS BY WATER IN THE DOMESTIC OFFSHORE TRADES

Notice of proposed rule making in the above matter appeared in the FEDERAL REGISTER issue of September 29, 1961 (26 F.R. 9178). Consideration was given to comments received relative to the proposed rules.

Notice is hereby given of the adoption of the rules as set forth below:

Sec.

511.1 Purpose.

511.2 Filing by operators of self-propelled vessels.

511.3 Filing by operators of vessels other than self-propelled.

511.4 Time for filing.

AUTHORITY: §§ 511.1 to 511.4 issued under sec. 204 (49 Stat. 1987, as amended; 46 U.S.C. 1114); sec. 21 (39 Stat. 736; 46 U.S.C. 870); sec. 43, Pub. Law 87-346 (75 Stat. 766).

§ 511.1 Purpose.

The data to be furnished are for the Federal Maritime Commission's use in discharging the statutory rate regulatory responsibilities with which it has been charged by applicable provisions of the Shipping Act, 1916, as amended, and the Intercoastal Shipping Act, 1933, as amended.

§ 511.2 Filing by operators of self-propelled vessels.

All persons engaged in the operation of self-propelled vessels in the common carriage of persons or property in the domestic offshore trades (except persons engaged in intrastate operations in Alaska and Hawaii), and required by the Intercoastal Shipping Act, 1933, as amended, to file tariffs with the Federal Maritime Commission, shall execute and file with the Secretary, Federal Maritime Commission, the joint report presently referred to as the Maritime Administration Form MA-172 and the Interstate Commerce Commission Form M for the year 1961 and semi-annually for each year thereafter.



## RULES AND REGULATIONS

**§ 511.3 Filing by operators of vessels other than self-propelled.**

All persons engaged in the operation of vessels, other than self-propelled, in the common carriage of persons or property in the domestic offshore trades (except persons engaged in intrastate operations in Alaska and Hawaii), and required by the Intercoastal Shipping Act, 1933, as amended, to file tariffs with the Federal Maritime Commission, shall execute and file with the Secretary, Federal Maritime Commission, the report presently referred to as the Interstate Commerce Commission Form K-A for the year 1961 and semi-annually for each year thereafter.

**§ 511.4 Time for filing.**

For any fiscal year ending after June 30, 1961, and prior to the publication of this part, the persons concerned shall file the first annual statement covering that year within 120 days of the publication of this part. For any fiscal year ending after publication of this part but prior to July 1, 1962, the person concerned shall file the first annual statement covering that year within 120 days after the end of that fiscal year. After the filing of the first annual statement, each person concerned is required to file a semi-annual statement within 90 days of the close of the first six months of each fiscal year and an annual statement within 120 days of the close of each fiscal year.

*Effective date.* This part shall be effective as of the date of publication in the FEDERAL REGISTER.

Dated: January 15, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,  
*Secretary.*

[F.R. Doc. 62-773; Filed, Jan. 23, 1962;  
8:47 a.m.]



# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[ 7 CFR Part 26 ]

### BARLEY GRAIN STANDARDS

#### Notice of Additional Time for Submitting Comments on Proposed Amendments

On December 19, 1961, there was published in the FEDERAL REGISTER (26 F.R. 12132) a notice of proposed amendments of the Official Grain Standards of the United States for Barley (7 CFR 26.201-26.203) promulgated under the authority of the United States Grain Standards Act (7 U.S.C. 74). Interested persons were allowed until January 15, 1962, to submit written data, views, or arguments concerning the proposed amendments. A request has been received for additional time to submit comments. Therefore, pursuant to said Act and in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), notice is hereby given that written data, views, and arguments concerning the proposed amendments will be considered if they are received by the Director, Grain Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than January 25, 1962.

Done at Washington, D.C., this 18th day of January 1962.

G. R. GRANGE,  
*Deputy Administrator,  
Marketing Services.*

[F.R. Doc. 62-763; Filed, Jan. 23, 1962;  
8:46 a.m.]

[ 7 CFR Part 989 ]

### HANDLING OF RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

#### Notice of Extension of Time for Receipt of Written Data, Views, or Arguments

Notice is hereby given that the time for receipt by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., of written data, views, or arguments with respect to the proposed revision of Subpart-Administrative Rules and Regulations, effective pursuant to Marketing Agreement No. 109, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California, is extended to 5 p.m., e.s.t., February 16, 1962. Notice of the proposed revision was published in the FEDERAL REGISTER December 27, 1961 (26 F.R. 12520).

The extension affords interested persons necessary additional time to consider the proposal.

Dated: January 19, 1962.

PAUL A. NICHOLSON,  
*Deputy Director, Fruit and  
Vegetable Division, Agricultural  
Marketing Service.*

[F.R. Doc. 62-779; Filed, Jan. 23, 1962;  
8:48 a.m.]

## FEDERAL AVIATION AGENCY

[ 14 CFR Part 42 ]

[Reg. Docket No. 1039; Draft Release No.  
62-1]

### IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

#### Proposed Flight Time Limitations for Flight Engineers

Pursuant to the authority delegated to me by the Administrator (14 CFR 405.27), notice is hereby given that there is under consideration a proposal to amend Part 42 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before February 23, 1962, will be considered by the Administrator before taking action on the proposed rules. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons when the prescribed date for return of comments has expired.

Part 42 of the Civil Air Regulations, unlike Parts 40 and 41, does not contain flight time limitations applicable to flight crewmembers other than pilots. At the time Part 42 was originally developed, operations conducted pursuant to the provisions of that part generally consisted of domestic flights utilizing airplane types which did not require the services of a flight engineer. At a later date, as a result of the development of international irregular air carrier operations, the operations specifications issued to operators conducting operations pursuant to Part 42 were amended to include flight time limitations applicable to all flight crewmembers engaged in overseas and international operations.

The irregular air carriers and commercial operators engaged in domestic operations now operate many large airplanes which require the inclusion of a flight engineer in the flight crew. The

Federal Aviation Agency, therefore, considers it essential that the flight time, flight deck duty, duty aloft, and duty time limitations, and the rest requirements, presently applicable to pilots engaged in domestic operations conducted pursuant to Part 42 of the Civil Air Regulations, be made applicable to flight engineers engaged in such operations. The Agency believes that the limitations presently applicable to a flight crew consisting of two pilots should be made applicable to a flight engineer serving in a flight crew containing one flight engineer, and that, when the flight crew contains two or more flight engineers, the limitations presently applicable to a flight crew consisting of four pilots are appropriate.

It is recognized that in some instances an air carrier may wish to include in the flight crew one or more airmen who are appropriately qualified to serve both as a pilot and as a flight engineer. The rules proposed herein would not preclude such utilization of an airman provided that the total of his scheduled flight deck duty as a flight engineer and his scheduled flight deck duty as a pilot does not exceed 8 hours during any 24-hour period.

In consideration of the foregoing, it is proposed to amend Part 42 of the Civil Air Regulations as follows:

1. By redesignating § 42.49 as § 42.50.
2. By adding a new § 42.49 to read:

§ 42.49 Flight time limitations for flight engineers on large airplanes.

The flight time limitations prescribed in § 42.48 (a) and (b) shall apply to an airman serving as a flight engineer except that where two or more airmen serve as flight engineers in a flight crew containing three or more pilots, the flight time limitations prescribed in § 42.48(d) shall apply in lieu of those in § 42.48(b).

These amendments are proposed under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (72 Stat. 752(a), 775, 778, 49 U.S.C. 1354(a), 1421, 1424).

Issued in Washington, D.C., on January 17, 1962.

GEORGE C. PRILL,  
*Director, Flight Standards Service.*

[F.R. Doc. 62-750; Filed, Jan. 23, 1962;  
8:45 a.m.]

[ 14 CFR Part 600 ]

[Airspace Docket No. 61-NY-57]

### FEDERAL AIRWAYS

#### Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.1681 of the regu-



lations of the Administrator, the substance of which is stated below.

Intermediate altitude VOR Federal airway No. 1681 extends in part from Washington, D.C., to Baltimore, Md. The Federal Aviation Agency has under consideration the designation of a segment of Victor 1681 from the intersection of the Flat Rock, Va., VOR 025° and the Gordonsville, Va., VOR 058° True radials as a 16-mile wide airway via the Flat Rock VOR and the intersection of the Flat Rock VOR 213° and the Raleigh-Durham, N.C., VOR 016° True radials to the Raleigh-Durham VOR. This proposed segment of Victor 1681 would provide a route south of Washington, D.C., overlying low altitude VOR Federal airway No. 3 for the accommodation of intermediate altitude traffic departing the Washington terminal area southbound which must transition into the intermediate altitude airway structure.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 18, 1962.

CHARLES W. CARMODY,  
Chief, Airspace Utilization Division.

[F.R. Doc. 62-751; Filed, Jan. 23, 1962;  
8:45 a.m.]

## [ 14 CFR Part 600 ]

[Airspace Docket No. 61-LA-101]

### FEDERAL AIRWAYS

#### Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the

Federal Aviation Agency is considering an amendment to Part 600 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of intermediate altitude VOR Federal airway No. 1776 from the Las Vegas, Nev., VOR as a 16 mile wide airway via the intersection of the Las Vegas VOR 106° and the Peach Springs, Ariz., VOR 293° True radials; Peach Springs VOR to the Winslow, Ariz., VOR. This proposed airway would join intermediate altitude VOR Federal airway No. 1532 at Winslow and would provide a more direct route for intermediate altitude air traffic operating between Las Vegas and Albuquerque, N. Mex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 18, 1962.

CHARLES W. CARMODY,  
Chief, Airspace Utilization Division.

[F.R. Doc. 62-752; Filed, Jan. 23, 1962;  
8:45 a.m.]

## [ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 61-NY-102]

### FEDERAL AIRWAYS AND ASSOCIATED CONTROL AREAS

#### Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering

amendments to §§ 600.6226, 600.1723 and 601.6226 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 226 extends in part from Williamsport, Pa., to Thornhurst, Pa. The Federal Aviation Agency has under consideration the designation of a segment of Victor 226 and its associated control areas from the Ellwood City, Pa., VORTAC to the Keating, Pa., VOR.

Concurrently, the Federal Aviation Agency is considering the designation of a segment of Intermediate altitude VOR Federal airway No. 1723 which extends in part from Parkersburg, W. Va., to Pittsburgh, Pa. It is proposed to designate the proposed segment of Victor 1723 from the intersection of the Keating VOR 256° and the Pittsburgh VOR 354° True radials as a 16-mile wide airway via the Keating VOR to the Williamsport VOR.

The designation of these proposed airway segments would provide basic and intermediate airway routes to serve arrival traffic destined for the Pittsburgh terminal area from the New York Metropolitan area, and would provide the control facilities with improved handling capabilities for this traffic.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 18, 1962.

CHARLES W. CARMODY,  
Chief, Airspace Utilization Division.

[F.R. Doc. 62-753; Filed, Jan. 23, 1962;  
8:45 a.m.]



## [ 14 CFR Part 601 ]

[ Airspace Docket No. 61-WA-238 ]

**CONTROL AREA EXTENSIONS, TRANSITION AREA AND DESIGNATION OF TRANSITION AREAS****Proposed Alteration**

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 601 and §§ 601.1246, 601.1385 and 601.10945 of the regulations of the Administrator, the substance of which is stated below.

Effective January 11, 1962, new aircraft holding pattern procedures were implemented by the FAA within the continental limits of the United States and in areas beyond such limits where adequate controlled airspace was currently established. These procedures were developed to accommodate the increasing variety of aircraft speeds and operating altitudes in the IFR environment and provide for the containment of aircraft holding maneuvers within the holding pattern areas designed for such operation. Prior to the implementation of these procedures, the FAA processed a number of airspace dockets containing amendments to the regulations of the Administrator, effective on January 11, 1962, in which additional controlled airspace was designated to encompass the increased dimensions of the newly designed holding pattern areas. Subsequent to the publication of these amendments, a review of this newly allocated airspace revealed certain instances calling for adjustments in the amount of controlled airspace designated. In order to effect such changes necessary in the Boston and Indianapolis Air Route Traffic Control Center areas, the FAA is considering the following airspace actions:

1. The Greene, N.Y., transition area would be designated to extend upward from 1,200 feet above the surface within 12 miles east and 8 miles west of the Georgetown, N.Y., VOR 169° True radial extending from 12 miles south to 44 miles south of the VOR. This would provide protection for aircraft in holding patterns at the Greene, N.Y., Intersection (intersection of the Georgetown VOR 169° and the Binghamton, N.Y., VORTAC 064° True radials).

2. In Airspace Docket No. 61-NY-92 (26 F.R. 12516), effective January 11, 1962, the De Lancey, N.Y., transition area (§ 601.10945) was designated to extend upward from 1,200 feet above the surface within 7 miles north and 10 miles south of the De Lancey VOR 265° and 085° True radials extending from 9 miles west to 20 miles east of the VOR. This transition area was designated to provide protection for aircraft in holding patterns at the De Lancey VOR. A review of this transition area indicates that the north-south alignment should be within 10 miles north and 7 miles south of the same radials. Therefore, it is proposed to redesignate the De Lancey transition area as extending upward from 1,200 feet above the surface within 10 miles north and 7 miles south

of the De Lancey VOR 265° and 085° True radials extending from 9 miles west to 20 miles east of the VOR.

3. The Albany, N.Y., transition area would be designated as that airspace southeast of Albany extending upward from 1,200 feet above the surface bounded on the northeast by VOR Federal airway No. 130, on the southeast by VOR Federal airway No. 487 and on the west by VOR Federal airway No. 91; and the airspace southwest of Albany bounded on the north by a line 10 miles south of and parallel to the Albany VORTAC 270° True radial, on the east by VOR Federal airway No. 91, on the south by VOR Federal airway No. 270 and on the west by longitude 74°16'00" W. This would provide protection for aircraft in holding patterns at the Athens Intersection (intersection of the Albany VOR 181° and the Chester, Mass., VOR 266° True radials), Brainard Intersection (intersection of the Albany VOR 140° and the Cambridge, N.Y., VOR 189° True radials) and the Greenbush Intersection (intersection of the Albany VOR 181° and the Chester VOR 293° True radials).

4. A review of Airspace Docket No. 61-NY-92 (see Item No. 2 above) indicates that a small amount of additional airspace is necessary for the protection of aircraft in holding patterns at the Summit Intersection (intersection of the Rockdale, N.Y., VOR 075° and the Utica, N.Y., VOR 137° True radials). Therefore, it is proposed to alter the southeast portion of the Rome, N.Y., control area extension (§ 601.1385), as revised in Airspace Docket No. 61-NY-92, by substituting longitude 74°24'00" W. for longitude 74°30'00" W. as the eastern boundary.

5. A review of Airspace Docket No. 60-NY-43 (26 F.R. 11894, effective January 11, 1962), indicates that a small amount of additional airspace is necessary for the protection of aircraft in holding patterns at the Princeton, Maine, VOR. Therefore, it is proposed to alter the Bangor, Maine, control area extension (§ 601.1047) by adding a small amount of airspace northeast and southeast of Princeton bounded on the north by the United States/Canadian border, on the east by the United States/Canadian border and longitude 67°30'00" W., and on the west by a line extending from latitude 45°37'30" N., longitude 67°39'00" W.; to latitude 44°45'00" N., longitude 67°30'00" W.

6. A review of Airspace Docket No. 61-WA-194 (26 F.R. 12288, effective January 11, 1962), indicates that a small amount of additional airspace is necessary for the protection of aircraft in holding patterns at the Weston Intersection (intersection of the Evansville, Ind., VORTAC 227° and the Samsville, Ill., VOR 177° True radials). Therefore, it is proposed to alter the Evansville, Ind., control area extension (§ 601.1246), as revised in Airspace Docket No. 61-WA-194, by adding the airspace southwest of Evansville within 12 miles southeast and 8 miles northwest of the Evansville VORTAC 227° True radial extending from 30 miles southwest of the VORTAC to 44 miles southwest of the VORTAC.

Implementation of the provisions of Amendment 60-21 to the Civil Air Regu-

lations, Part 60, Air Traffic Rules is being deferred in those instances where the alteration of control area extensions is being proposed. Upon completion of the review of the controlled airspace requirements presently being conducted attendant to these provisions, separate airspace action will be initiated to convert the control area extensions to transition areas with appropriate controlled airspace floor assignments.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 18, 1962.

CHARLES W. CARMODY,  
Chief, Airspace Utilization Division.

[F.R. Doc. 62-754; Filed, Jan. 23, 1962;  
8:46 a.m.]

## [ 14 CFR Part 602 ]

[ Airspace Docket No. 61-WA-233 ]

**JET ROUTES****Proposed Alteration**

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 602.100 of the regulations of the Administrator, the substance of which is stated below.

Jet Route No. 60 extends in part from the Las Vegas, Nev., VORTAC via the intersection of the Las Vegas VORTAC 044° and the Bryce Canyon, Utah, VOR 247° True radials; the Bryce Canyon VOR; the Hanksville, Utah, VORTAC; to the Grand Junction, Colo., VORTAC. The Federal Aviation Agency has under consideration the alteration of this segment of J-60 by designating it from



the Las Vegas VORTAC direct to the Bryce Canyon, VOR, thence direct to the Grand Junction VORTAC. Such action would provide a more direct route between Las Vegas and Grand Junction, would reduce the route mileage, and would reduce the number of reporting points by deleting the Hanksville VOR from the high altitude structure. The jet advisory area associated with J-60 is so designated that it would automatically conform to the altered jet route.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 18, 1962.

CHARLES W. CARMODY,  
Chief, Airspace Utilization Division.

[F.R. Doc. 62-755; Filed, Jan. 23, 1962;  
8:46 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 15 ]

[Docket No. 14376]

### TELEMETERING DEVICES AND WIRELESS MICROPHONES

#### Extension of Time for Filing Comments

The Commission has before it for consideration a request from Telemedics, Inc., for an extension of the time for filing comments in the above proceeding.

It appearing that Telemedics is in a position to offer information concerning the medical application of telemetering devices, that additional time is required, in which to furnish such information, and that such information would be useful to the Commission in its consideration of this rule making proposal; and

It further appearing, in view of these facts, that the public interest will be served by granting an extension of time for this purpose;

*It is ordered*, This 18th day of January 1962, pursuant to section 0.322(b) of the Commission's Statement of Organization, Delegations of Authority, and Other Information, that comments concerning the medical application of telemetering

devices may be filed in this proceeding on or before February 1, 1962, and that comments in reply thereto may be filed on or before March 12, 1962.

Released: January 19, 1962.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Acting Secretary.

[F.R. Doc. 62-790; Filed, Jan. 23, 1962;  
8:49 a.m.]

## FEDERAL MARITIME COMMISSION

[ 46 CFR Ch. IV ]

[Docket No. 964]

### FILING OF TARIFFS BY COMMON CARRIERS BY WATER IN FOREIGN COMMERCE OF UNITED STATES AND BY CONFERENCES OF SUCH CARRIERS

#### Extension of Time for Filing Comments

Notice is hereby given that the time for submitting comments with respect to the regulations proposed in this proceeding is hereby extended to and including February 23, 1962.

Dated: January 22, 1962.

By order of the Federal Maritime  
Commission.

GEO. A. VIEHMANN,  
Assistant Secretary.

[F.R. Doc. 62-882; Filed, Jan. 23, 1962;  
11:59 a.m.]



# Notices

## DEPARTMENT OF COMMERCE

### Office of the Secretary

[Dept. Order 117 (Rev.), Amdt. 1]

### MARITIME ADMINISTRATION

#### Organization and Functions

The following amendment to the order was issued by the Secretary of Commerce, effective January 10, 1962. The material appearing at 26 F.R. 7713-7716 of August 17, 1961, is amended as follows:

Department Order No. 117 (Revised) of August 12, 1961, is amended by deleting the last sentence of section 6.0112 and substituting the following: "The Office of Research and Development has the following divisions: Division of Planning and Development, Division of Nuclear Projects, Division of Ship Mechanization, and Division of Operational Control;"

Effective date: January 10, 1962.

JOHN PRINCE,  
Deputy Assistant Secretary  
for Administration.

[F.R. Doc. 62-778; Filed, Jan. 23, 1962;  
8:48 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-192]

### UNIVERSITY OF TEXAS

#### Notice of Proposed Issuance of Construction Permit

Please take notice that, unless within fifteen days after the publication of this notice in the FEDERAL REGISTER a request for a formal hearing is filed with the United States Atomic Energy Commission by the applicant or in the case of an intervenor a petition for leave to intervene and a request for hearing is filed as provided by the Commission's rules of practice (Title 10, Chapter 1, Part 2), the Commission proposes to issue to The University of Texas, a construction permit substantially in the form annexed authorizing construction on The University of Texas campus at Austin, Texas, of a TRIGA Mark I, pool-type nuclear reactor. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application and (2) a hazards analysis prepared by the Test & Power Reactor Safety Branch of the Division of

Licensing and Regulation, both on file at the Commission's Public Document Room. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 18th day of January 1962.

For the Atomic Energy Commission.

EDSON G. CASE,  
Acting Chief, Test and Power  
Reactor Safety Branch, Division  
of Licensing and Regulation.

#### PROPOSED CONSTRUCTION PERMIT

1. By application dated October 31, 1961 (hereinafter referred to as "the application"), The University of Texas requested a Class 104 license, authorizing construction and operation on The University of Texas campus at Austin, Texas, of a 10 kilowatt (thermal) TRIGA Mark I pool-type nuclear reactor (hereinafter referred to as "the reactor").

2. The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities".

B. The reactor will be used in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act").

C. The University of Texas is financially qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR, Part 50, to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

D. The University of Texas and its contractor, General Atomics Division of General Dynamics Corporation, are technically qualified to design, construct and operate the reactor.

E. The University of Texas has submitted sufficient information to provide reasonable assurance that a reactor of the general type can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

F. The issuance of a construction permit to The University of Texas will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to The University of Texas to construct the reactor in accordance with the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. The earliest completion date of the reactor is July 1, 1962. The latest date for completion of the reactor is December 31, 1962. The term "completion date" as used herein, means the date on which construction of the reactor is completed except for the introduction of the fuel material.

B. The reactor shall be constructed and located at the location on the campus of The University of Texas at Austin, Texas, specified in the application.

4. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless The University of Texas has submitted to the Commission (by amendment of the application) additional data required to complete the hazards analysis for operating the proposed facility and the Commission has found the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the reactor in accordance with specified procedures.

5. Upon completion (as defined in paragraph "3.A." above) of the construction of the reactor in accordance with the terms and conditions of this permit, upon filing of the additional information needed to bring the original application up-to-date, and upon finding that the reactor has been constructed and will operate in conformity with the application as amended and in conformity with the provisions of the Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to The University of Texas pursuant to section 104c of the Act, which license shall expire ten (10) years after the date of this construction permit.

Date of issuance:

For the Atomic Energy Commission.

EDSON G. CASE,  
Acting Chief, Test and Power Re-  
actor Safety Branch, Division of  
Licensing and Regulation.

[F.R. Doc. 62-764; Filed, Jan. 23, 1962;  
8:47 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13780; FCC 62M-96]

### AMERICAN TELEPHONE AND TELEGRAPH CO.

#### Order Scheduling Hearing

In the matter of American Telephone and Telegraph Co., regulations and charges for special arrangements provided as part of the communications system used in the Ballistic Missile Early Warning System (BMEWS) and regulations and charges for switching and signaling arrangements provided as part of the Command Post Alerting Network (COPAN); Docket No. 13780.

Pursuant to a prehearing conference as of this date: *It is ordered*, This 18th day of January 1962, that the hearing



in this proceeding is scheduled to commence April 24, 1962, 10:00 a.m. in the Commission's Offices, Washington, D.C.

Released: January 19, 1962.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Acting Secretary.

[F.R. Doc. 62-781; Filed, Jan. 23, 1962;  
8:49 a.m.]

[Docket No. 14261; FCC 62M-91]

### CLAY SERVICE CORP.

#### Order Continuing Hearing

In re application of Clay Service Corp., Ashland, Ala., Docket No. 14261, File No. BP-13795; for construction permit.

Pursuant to verbal request of the applicant and with the concurrence of counsel for the Broadcast Bureau: *It is ordered*, This 17th day of January 1962, that the hearing now scheduled for January 23, 1962, be and it is hereby re-scheduled for February 6, 1962, 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: January 18, 1962.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Acting Secretary.

[F.R. Doc. 62-782; Filed, Jan. 23, 1962;  
8:49 a.m.]

[Docket No. 14085 etc.; FCC 62-84]

### COMMUNITY SERVICE BROADCASTERS, INC., ET AL.

#### Memorandum Opinion and Order Amending Issues

In re applications of Community Service Broadcasters, Inc., Ypsilanti, Mich., Docket No. 14085; File No. BP-13846; John M. Bryan and Reid W. Dennis, Joint Venturers, d/b/a Mainliner Broadcasters, Louisville, Ky., et al., Docket No. 14291, File No. BP-14043 et al.; for construction permits.

1. The Commission has before it for consideration (1) a petition to enlarge issues, and supplement thereto, filed by Radio One Five Hundred, Inc., on November 8, 1961, and November 13, 1961, respectively; (2) Comments filed by the Broadcast Bureau on November 21, 1961; (3) a statement filed December 15, 1961, by Mainliner Broadcasters.

2. Petitioner alleges that the programming proposals made by Mainliner Broadcasters are nearly identical with those made by one of the partners in Mainliner Broadcasters in applications for two other communities. It therefore requests that the issues be enlarged by adding an issue to determine whether Mainliner Broadcasters made any effort to determine the programming needs of the community and area it proposes to serve. The Broadcast Bureau supports petitioner's request. Mainliner Broadcasters in its response to the petition states that the efforts it made in determining the programming needs of the area it would serve can be demonstrated better at an adjudicatory hearing than

by affidavit, and it therefore does not oppose enlargement of the issues.

3. As pointed out by the Broadcast Bureau, the nearly identical programming proposals give rise to the question of whether Mainliner Broadcasters made a bona fide effort to ascertain the needs of the community it proposes to serve, and Mainliner Broadcasters in its responsive pleading does not make any showing that it made such effort. The issues will, therefore, be enlarged.

*Accordingly, it is ordered*, This 17th day of January 1962, that the request made by Radio One Five Hundred, Inc., in its petition filed November 8, 1961, that the issues be enlarged, is granted;

*It is further ordered*, That the Commission's Order (FCC 61-1204), released October 17, 1961, is amended by renumbering Issues 21 to 31 as Issues 22 to 32, respectively;

*It is further ordered*, That the issues are enlarged by the addition of the following issues:

21. To determine what efforts have been made by Mainliner Broadcasters to ascertain the program needs and interests of the area it proposes to serve, and the manner in which it proposes to meet such needs and interests.

Released: January 19, 1962.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Acting Secretary.

[F.R. Doc. 62-783; Filed, Jan. 23, 1962;  
8:49 a.m.]

[Docket Nos. 14455, 14456; FCC 62M-93]

### JEFFERSON RADIO CO. (WIXI) AND VOICE OF THE MID SOUTH

#### Order Continuing Hearing Conference

In re applications of W. D. Frink, tr/as Jefferson Radio Co. (WIXI), Docket No. 14455, File No. BL-8187; for license to cover construction permit BP-10672 authorizing a new standard broadcast station at Irondale, Ala.; Fred H. Davis and W. D. Frink, d/b as Voice of the Mid South, Docket No. 14456, File No. BP-14110; for construction permit to build a new standard broadcast station at Centreville, Ala.

The Hearing Examiner having under consideration an oral request from counsel for the applicants in this proceeding for a continuance of the prehearing conference now scheduled to convene at 9:00 a.m. on January 26, 1962;

It appearing that counsel for the Broadcast Bureau has consented to the requested continuance and that good cause has been shown therefore;

*It is ordered*, This 18th day of January 1962, that the request is granted and the prehearing conference is continued from January 26 at 9:00 a.m., to February 2, 1962, at 10:00 a.m.

Released: January 19, 1962.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Acting Secretary.

[F.R. Doc. 62-784; Filed, Jan. 23, 1962;  
8:49 a.m.]

[Docket No. 14076 etc.; FCC 62-82]

### KENT-RAVENNA BROADCASTING CO. ET AL.

#### Memorandum Opinion and Order Amending Issues

In re applications of Kent-Ravenna Broadcasting Co., Kent, Ohio., Docket No. 14076, File No. BP-13749; Portage County Broadcasting Corporation, Kent-Ravenna, Ohio, et al., Docket No. 14084, File No. BP-13845, et al.; for construction permits.

1. The Commission has before it for consideration (1) the petition to enlarge issues, filed October 24, 1961, by Portage County Broadcasting Corporation; (2) Broadcast Bureau's opposition, filed November 21, 1961; and (3) reply, filed December 8, 1961, by Kent-Ravenna Broadcasting Co.

2. Alleging that grant of the Kent-Ravenna Broadcasting Co. application would contravene § 3.35 of our rules, Portage County requests enlargement of the issues to include an issue as to Kent-Ravenna Broadcasting Co.'s compliance with § 3.35 of the Commission's rules. Noting that the issues in this proceeding were published in the FEDERAL REGISTER on April 28, 1961 (26 F.R. 3658); petitioner relies for its showing of good cause for late filing upon its allegations that the maze of interlocking Dix corporations is so complex that much time was required at research before a clear picture could be obtained of the extent of the Dix family holdings in media of mass communication. Petitioner submits that these interlocking holdings present a problem under § 3.35 of the rules. According to the petition and accompanying engineering statement, Kent-Ravenna's proposed operation in Kent and Station WWST in Wooster, Ohio, are commonly owned, and 70.5 percent of the total land area within the proposed Kent 0.5 mv/m contour lies within the existing WWST 0.5 mv/m contour, and 24 square miles within the existing WWST 2.0 mv/m contour lie within the proposed Kent 2.0 mv/m contour.

3. Kent-Ravenna and the Commission's Broadcast Bureau oppose the petition on grounds of untimely filing. At the same time the Broadcast Bureau agrees with petitioner that the facts alleged present a serious overlap problem under § 3.35 of the rules.

4. Portage County's petition will be denied on grounds of untimely filing. In view of the extensive overlap proposed, and in view of the alleged ownership and control by Kent-Ravenna of other media of mass communication (newspapers, FM and AM broadcast stations in Ohio and elsewhere), the Commission will on its own motion add an issue to determine whether a grant of the Kent-Ravenna application would be in contravention of either subsection (a) or (b) of § 3.35 of the rules. *Clarksburg Publishing Co. v. FCC*, 12 RR 2024, 225 F. 2d 511 (1955).

*Accordingly, it is ordered*, This 17th day of January 1962, that the petition to enlarge issues in the above-captioned proceeding, filed October 24, 1961, by Portage County Broadcasting Corpora-



tion is denied for reasons of untimely filing; and

*It is further ordered*, On the Commission's own motion, that the designation order released April 25, 1961 (FCC 61-533), is amended by adding the following issue: To determine whether a grant of the application of Kent-Ravenna Broadcasting Co., for a new standard broadcast station at Kent, Ohio, would be in contravention of § 3.35 of the Commission's rules.

Released: January 19, 1962.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Acting Secretary.

[F.R. Doc. 62-785; Filed, Jan. 23, 1962;  
8:49 a.m.]

[Docket No. 14043; FCC 62-85]

## MELODY MUSIC, INC. (WGMA)

### Memorandum Opinion and Order Amending Issues

In re application of Melody Music, Inc. (WGMA), Hollywood, Florida, Docket No. 14043, File No. BR-2855; for renewal of license of Station WGMA, Hollywood, Florida.

1. The Commission has before it for consideration (1) Melody Music, Inc.'s petition for extension of time filed May 5, 1961, which was referred to the Commission on December 8, 1961, by the Acting Motion's Commissioner; (2) Melody's petition for reconsideration, filed September 19, 1961; (3) Melody's petition for clarification or enlargement of issues, filed October 2, 1961; and (4) pleadings properly filed in response thereto.

2. By Order released April 17, 1961 (FCC 61-495) the application of Melody Music, Inc., for renewal of its license to Station WGMA, Hollywood, Florida, was designated for hearing because the alleged "fixed" television quiz show activities of Daniel Enright raised a question regarding Melody's character qualifications. On May 5, 1961, Melody filed a petition challenging the validity of the designation Order contending that the renewal application should have been consolidated with its then pending assignment application, and the procedural provisions of then 47 U.S.C. 309(b), and 5 U.S.C. 1008(b) had not been complied with. On the same day, but in a separate pleading, Melody requested an extension of time so that it would not have to file, and the Commission would not be required to consider, a petition to enlarge, clarify, or delete issues until after the Commission had ruled on its challenge of the designation Order. By Order released September 18, 1961 (FCC 61-1101) the Commission rejected as moot the challenge to the designation Order, because Melody in the interim had withdrawn the pending as-

signment application. On December 8, 1961, the Acting Motion's Commissioner referred Melody's petition for extension of time to the full Commission.

3. Melody's petition for extension of time will be granted. Although petitions of this nature must be disposed on their particular facts, Melody's request was reasonable and proper in light of its vigorous attack on the designation Order which, if successful, would have mooted any request for modification of the issues. This situation is totally unlike that which prevailed in Sands Broadcasting Corp., FCC 61-690, May 29, 1961, where the petitioner sought an extension of time in order that it might conclude an investigation in order to determine whether any grounds existed for seeking enlargement of the issues, and the fact of whether a petition to enlarge issues would ever be filed was entirely speculative.

4. Melody has also requested reconsideration of our order released September 18, 1961 (FCC 61-1101), dismissing the challenge of the designation Order. This request will be denied because it violates our policy against entertaining petitions for reconsideration of interlocutory matters, except in circumstances that do not here prevail. KWK Radio, Inc., 21 RR 304 (1961). In addition, the contention that the Commission has failed to comply with former 47 U.S.C. 309(b) and 5 U.S.C. 1008 (b) in designating this proceeding for hearing, is totally without merit. The designation Order in this hearing was released April 17, 1961. Former section 309(b) is not applicable to this hearing Order which was released after December 12, 1960, the effective date of the amendment of former section 309(b), and the implementation of the amendment by 47 CFR 1.359. It is also clear that the notice requirement of section 9(b) of the APA does not apply to renewal hearings. Davis, Administrative Law (1951) 283.

5. The issues designated for hearing in the instant proceeding are:

(1) To determine the extent to which Daniel Enright was involved in the preparation or production of "fixed" television quiz shows.

(2) To determine, in light of the evidence adduced pursuant to the foregoing issue, whether the applicant, Melody Music, Inc., possesses the requisite qualifications to be a licensee of the Commission.

(3) To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of said application would serve the public interest, convenience and necessity.

Melody has requested clarification or enlargement of these issues so that it can introduce evidence regarding: the past or proposed operations of WGMA; the community's needs for WGMA's service; Enright's general character reputation; and deceptive practices in the communications industry.

6. Melody's request for an issue to ascertain the nature of the operations

of WGMA will be granted. Although the Commission is not required to consider evidence of this type, which would essentially be offered in mitigation of any adverse findings under the existing issues, we are of the view that the public interest will be better served in this proceeding if evidence is adduced as to the overall broadcasting record of the licensee.

7. The request for an issue regarding the community's needs for WGMA's service will be denied. Proper evidence as to community need is admissible in establishing the nature of the operation of the licensee, and since we have added an issue regarding WGMA's operation, a specific issue regarding the needs of WGMA's community would be superfluous. The issue regarding Enright's general character reputation will be denied. This type of evidence is relevant, and if it complies with the rules of evidence, can be introduced pursuant to Issue 2, which is to ascertain whether the applicant, in which Enright is a principal, possesses the requisite character qualifications. However, in order to resolve any doubt as to the intended scope of the issue, the restrictive phrase "in the light of the evidence adduced pursuant to the foregoing issue" is hereby deleted from Issue 2. The final issue requested by Melody will also be denied because, to the extent that industry practices may be established to be relevant, proper evidence relating thereto can be introduced under the existing issues.

*Accordingly, it is ordered*, This 17th day of January 1962, that the petition of Melody Music, Inc., for reconsideration, filed September 19, 1961, is denied; and

*It is further ordered*, That the petition of Melody Music, Inc., for extension of time, filed May 5, 1961, is granted; and

*It is further ordered*, That the petition of Melody Music, Inc., for clarification or enlargement of issues, filed October 2, 1961, is granted to the extent indicated herein, and the designation Order released April 17, 1961 (FCC 61-495), is hereby amended by renumbering Issue 3 as Issue 4, and by the addition of the following issue:

3. To determine the manner in which Melody Music, Inc., operates and has operated Station WGMA, with particular regard to its reliability and candor as a licensee,

and by amending Issue 2 to read as follows:

2. To determine whether the applicant, Melody Music, possesses the requisite qualifications to be a licensee of the Commission.

Released: January 19, 1962.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Acting Secretary.

[F.R. Doc. 62-786; Filed, Jan. 23, 1962;  
8:49 a.m.]

<sup>1</sup> Dissenting opinion of Commissioner Ford in which Commissioner Craven joins, filed as part of the original document.



[Docket Nos. 14193, 14194; FCC 62-81]

**SMACKOVER RADIO, INC., AND  
MAGNOLIA BROADCASTING CO.  
(KVMA)****Memorandum Opinion and Order  
Amending Issues**

In re applications of Smackover Radio, Inc., Smackover, Arkansas, Docket No. 14193; File No. BP-14663; Magnolia Broadcasting Company (KVMA), Magnolia, Arkansas, Docket No. 14194, File No. BP-14717; for construction permits.

1. The Commission has before it for consideration a petition to enlarge issues filed August 3, 1961, by Ouachita Valley Radio Corporation, together with pleadings properly filed in reply thereto.

2. We are asked to enlarge the issues to ascertain whether the applications of Smackover Radio, Inc., and Magnolia Broadcasting Co., were designed to block petitioner's proposal for Camden, Arkansas.<sup>1</sup>

3. Ouachita has alleged that there is a close connection between Station KAMD, the sole existing station at Camden, Arkansas, Smackover and Magnolia. To support the allegation regarding Smackover, it notes that Donald Cathey, president, director and 50 percent stockholder of Smackover is presently KAMD's station manager. It submits an affidavit from Floyd F. Hudson, formerly a staff announcer for Station KAMD, who states that Cathey utilized KAMD's chief engineer in preparing Smackover's application, and that KAMD's general manager was consulted on some problems concerning the application. Hudson also states that Cathey told him that he would personally do anything he could to prevent the licensing of a second station at Camden. In addition, petitioner submits a letter from a document analyst who states that Smackover's application was prepared on the same typewriter used to prepare documents submitted to the Commission by Station KAMD. These allegations, supported by affidavits raise a question as to whether the application of Smackover Radio, Inc. was filed in good faith, or for the benefit of Station KAMD. Such questions can best be resolved following an evidentiary hearing, and therefore, a good faith issue will be added as to Smackover.

4. To support the allegation of close connection between KAMD and Magnolia, petitioner notes that some of Magnolia's stockholders have substantial ownership interests in Station KAMD. Ouachita submits the affidavit of John W. Harrell, one of its incorporators, who states that E. K. Cochran, an individual not shown to be related to Magnolia in any way, told him that Magnolia's man-

ager, W. M. Bigley, had admitted that Magnolia had no real intention to increase power, but had filed the application only to prevent a second station from being licensed for Camden. Harrell also states in the affidavit that KAMD's chief engineer told him that he had assisted in the preliminary surveys in connection with Magnolia's application to increase power. Magnolia challenges these allegations. It submits the affidavit of Cochran who states that Bigley never made any such admission to him, and Bigley's affidavit which avers that he never made such a statement. In addition, Magnolia submits affidavits which aver that the Magnolia stockholders who have interests in KAMD own only 15 percent of the stock in Magnolia, seldom participate in Magnolia's corporate activities and did not participate in the decision to increase power.

5. Insofar as the petition relies on Cochran's statement to Harrell, it will be rejected for failure to comply with 47 CFR 1.141 which requires that allegations of fact shall be supported by affidavits of persons having personal knowledge thereof. Even absent the rule, that portion of the affidavit would be unacceptable for it is hearsay of the most obvious sort unaccompanied by even an attempt to establish it as inherently credible. However, the unexplained participation of KAMD's chief engineer in the preparation of the Magnolia application coupled with the fact that certain Magnolia stockholders also hold stock in KAMD and the obvious economic benefit to KAMD if the Ouachita application were denied, establishes sufficient connection<sup>2</sup> between Magnolia and KAMD to raise a question as to whether Magnolia's application was filed in good faith, or to aid KAMD. Therefore, a good faith issue will also be added regarding Magnolia.

6. The enlarged issue clearly involves the interests of the licensee of Station KAMD, Camden, Arkansas, which is not a party to this proceeding. Accordingly, KAMD will be made a party to this proceeding with respect to Issue 8 which is added by this order.

Accordingly, it is ordered, This 17th day of January 1962, that the petition for enlargement of issues, filed August 3, 1961, by Ouachita Valley Radio Corporation is dismissed; and

It is further ordered, That on the Commission's own motion, the designation order released July 14, 1961, FCC 61-885, is amended by issues 8 and 9 being renumbered as 9 and 10 and by the addition of the following issue, the burden of proof of which shall be on the affected applicants:

(8) To determine whether the applications of Smackover Radio, Inc., and Magnolia Broadcasting Company (KVMA) were filed in good faith or were filed solely or in part for the purpose of

<sup>2</sup> In Waco Radio Co., 19 RR 538 (1959) the issues were enlarged on a showing that the applicant had received assistance from an existing station which would benefit from applicant's proposal; and in Four States Broadcasting Co., 18 RR 616 (1959) a showing of business relationship was sufficient.

preventing the granting of a construction permit at Camden, Arkansas, to Ouachita Valley Radio Corporation.

It is further ordered, That Camden Radio, Inc., licensee of Station KAMD, Camden, Arkansas, is made a party to this proceeding with respect to Issue 8;

It is further ordered, That the statement of the Broadcast Bureau in support of enlargement of issues, although Ouachita Valley Radio Corporation has been removed from the instant hearings, filed November 24, 1961; the response by Magnolia Broadcasting Company, filed December 21, 1961; and the response of Smackover Radio, Inc., filed December 21, 1961, are hereby dismissed because they violate the requirements of 47 CFR 1.13.

Released: January 19, 1962.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>3</sup>

[SEAL] BEN F. WAPLE,  
Acting Secretary.

[F.R. Doc. 62-787; Filed, Jan. 23, 1962;  
8:49 a.m.]

[Docket Nos. 14493, 14494; FCC 62-90]

**HAYWARD F. SPINKS AND GREEN-  
VILLE BROADCASTING CO.****Order Designating Applications for  
Consolidated Hearing on Stated  
Issues**

In re applications of Hayward F. Spinks, Hartford, Ky., requests: 1600 kc, 500 w, D, Class III, Docket No. 14493, File No. BP-14291; C. P. Stovall, Sr., and C. P. Stovall, Jr., d/b/a Greenville Broadcasting Co., Greenville, Ky., requests: 1600 kc, 500 w, D, Class III, Docket No. 14494, File No. BP-15005; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 17th day of January 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially and otherwise qualified to construct and operate the instant proposals; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The two applicants request co-channel, omnidirectional operations twenty-three miles apart and are, therefore, mutually prohibitive.

2. Since Hayward F. Spinks does not indicate that deferred credit is available, it must be assumed that all expenditures in connection with the construction and initial operation of his proposed station will be met with cash. Total funds required, including three months working capital, will be \$27,475. An analysis of Mr. Spink's balance sheets, as of May 31, 1960, reveals cash in the amount of \$7,351 and accounts

<sup>3</sup> Commissioner Cross dissenting in opinion.

<sup>1</sup> At the time petitioner sought enlargement of the issues, it was a party applicant in this proceeding. It has subsequently amended its application and been returned to the processing line. However, since its allegations, if true, raise a question as to whether a grant of the Smackover and Magnolia applications would be in the public interest, Capitol Broadcasting Co., 29 FCC 677, 30 FCC 1, the requested issue is not rendered moot by Ouachita's removal from hearing.



receivable of \$3,762, or total quick assets of \$11,113. It will be necessary to establish the source of the additional necessary funds.

3. C. P. Stovall, Sr., and C. P. Stovall, Jr., d/b as Greenville Broadcasting Company have filed, in addition to the subject application, an application for a new FM facility at Greenville, (BPH-3559). It is not indicated in either application that construction costs or initial operating costs have been duplicated. Upon the assumption that there will be no duplication, the applicant will require a total of \$32,925 to meet the costs of construction, down payment on equipment, and initial operating expenses. Only \$17,000 is shown to be available—an amount sufficient to construct either the AM station or the FM station, but not both. No financial question has been raised with regard to the FM application.

4. It has not yet been determined whether the proposal of Greenville Broadcasting Company would constitute a menace to air navigation.

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

*It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the subject proposals and the availability of other primary service to such areas and populations.
2. To determine whether either applicant is financially qualified to construct and operate its proposed station.
3. To determine whether there is a reasonable possibility that the tower height and location proposed by Greenville Broadcasting Company would constitute a menace to air navigation.
4. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.
5. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

*It is further ordered*, That the Federal Aviation Agency, is made a party to the proceeding.

*It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evi-

dence on the issues specified in this order.

*It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

*It is further ordered*, That, the issues in the above-captioned proceeding, may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of Fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the applications will be effectuated.

Released: January 19, 1962.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
*Acting Secretary.*

[F.R. Doc. 62-788; Filed, Jan. 23, 1962;  
8:49 a.m.]

[Docket Nos. 14331-14333; FCC 62M-90]

## **SUPERIOR COMMUNICATIONS CO., INC.**

### **Order Continuing Hearing**

In re applications of Superior Communications Co., Inc., for renewal of the license for Station KQAQ73, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Virginia, Minn., Docket No. 14331, File No. 1710-C1-R-61; for renewal of the license for Station KQAQ74, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Kabetogama, Minn., Docket No. 14332, File No. 1711-C1-R-61; for renewal of the licensee for Station KQAQ75, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Gheen, Minn., Docket No. 14333, File No. 1712-C1-R-61.

The Hearing Examiner having under consideration a Motion for Continuance filed on January 10, 1962, by Superior Communications Co., Inc. (Superior), wherein it is requested that the hearing herein now set for January 29, 1962, be continued without date;

It appearing that at a consolidated preliminary conference herein held on November 27, 1961, it was stipulated among the parties that, if Superior filed an application for consent to transfer of control of Superior on or before January 15, 1962, the grant of which might obviate the necessity for an evidentiary hearing herein, the Examiner would entertain an appropriate Motion for continuance of the hearing now scheduled to commence on January 29, pending Commission action on the aforementioned application;

It further appearing that on January 10, 1962, Superior filed with the

Commission an appropriate application for consent to such transfer of control; and

It further appearing that good cause has been shown for a grant of the Motion for Continuance;

*It is ordered*, This 17th day of January 1962, that the Motion for Continuance filed by Superior Communications Co., Inc., is granted and that the hearing now scheduled to commence on January 29, 1962, is postponed without date pending action by the Commission on the aforementioned application for consent to the transfer of control.

Released: January 18, 1962.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
*Acting Secretary.*

[F.R. Doc. 62-789; Filed, Jan. 23, 1962;  
8:49 a.m.]

## **FEDERAL POWER COMMISSION**

[Docket Nos. CP61-197, CP62-93]

### **TENNESSEE NATURAL GAS LINES, INC., AND TENNESSEE GAS TRANS- MISSION CO.**

#### **Notice of Motion To Amend Order Issuing Certificate of Public Convenience and Necessity and Notice of Application and Date of Hearing**

JANUARY 17, 1962.

Take notice that on October 30, 1961, as amended on November 16, 1961, Tennessee Natural Gas Lines, Inc. (Tennessee Natural), 1003 Nashville Trust Building, Nashville, Tennessee, filed in Docket No. CP61-197 a motion to amend an order issuing a certificate of public convenience and necessity, and on October 12, 1961, as supplemented and amended on November 2, 1961, Tennessee Gas Transmission Company (Tennessee), P.O. Box 2511, Houston 1, Texas, filed in Docket No. CP62-93 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity, both as hereinafter described, and as more fully set forth in the motion and application which are on file with the Commission and open to public inspection.

Tennessee Natural in Docket No. CP61-197 proposes in the subject motion to amend the order of the Commission issued April 10, 1961, in said docket which authorizes movant to sell up to 20,800 Mcf of interruptible gas per day to Ford Motor Company (Ford), a direct industrial customer, for use in its glass plant in Nashville, Tennessee. Tennessee Natural now seeks authorization to sell Ford 15,500 Mcf of interruptible gas per day and 5,300 Mcf of firm gas per day instead of 20,800 Mcf of interruptible gas per day. The motion states that the change is necessary due to an expansion at the Ford plant. In Docket No. CP61-27 Tennessee Natural has a pending application to make the same conversion on a long-term basis, which application is dependent on Tennessee's expansion pending in Docket No. CP60-94. The



motion proposes that the conversion be effective for the period ending November 30, 1962.

Tennessee seeks authorization in Docket No. CP62-93 to render interim additional service until November 30, 1962, to three of its existing customers as follows (McF per day at 14.73 psia):

Customers	Presently authorized long-term maximum contract quantity	Proposed interim service	Total long-term and interim service
Inland Gas Corp.----- United Gas Pipe Line Co.: Oxford----- Shaw, et al----- Tennessee Natural Gas Lines, Inc.-----	40,800  5,945 8,318  111,364	5,100  1,055 1,166  5,300	45,900  7,000 9,484  116,664
Total-----	166,427	12,621	179,048

Tennessee states that these three customers are its only existing customers that will not have sufficient gas supply to meet their 1961-62 winter requirements. The proposed interim service would be rendered under Tennessee's FPC Gas Rate Schedules on file with the Commission. The application states that the proposed service can be rendered without any additional facilities.

Docket No. CP62-93 is a matter which should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 15, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Failure of any party to appear at and participate in the hearing in Docket No. CP62-93 shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefore is made.

Protests or petitions to intervene may be filed in both dockets, and requests for hearing may be filed in Docket No. CP61-197, with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 5, 1962.

JOSEPH H. GUTRIE,  
Secretary.

[F.R. Doc. 62-774; Filed, Jan. -23, 1962;  
8:47 a.m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

#### MARIA FRAMARIN VEDOVA ZONIN

#### Notice of Intention to Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

#### Claimant, Claim No., Property, and Location

Maria Framarin Vedova Zonin, as successor in interest to Carolina Framarin, deceased; Gambellara (Vicenza), Italy; Claim No. 44046; Vesting Order No. 1421; \$454.98 in the Treasury of the United States.

Executed at Washington, D.C., on January 17, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,  
Deputy Director,  
Office of Alien Property.

[F.R. Doc. 62-758; Filed, Jan. 23, 1962;  
8:46 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2620]

### BISHOP OIL CO.

#### Notice of Application to Strike From Listing and Registration and of Opportunity for Hearing

JANUARY 18, 1962.

In the matter of Bishop Oil Co., common stock.

The Pacific Coast Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following: Stockholders of Bishop Oil Company at a Special Meeting held August 16, 1961, adopted a plan of complete liquidation of the Company.

Upon receipt of a request, on or before February 2, 1962, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of

a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 62-765; Filed, Jan. 23, 1962;  
8:47 a.m.]

[File No. 1-3842]

### BLACK BEAR INDUSTRIES, INC.

#### Order Summarily Suspending Trading

JANUARY 18, 1962.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.), being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a) (4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, January 19, 1962, to January 28, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 62-766; Filed, Jan. 23, 1962;  
8:47 a.m.]

## HOUSING AND HOME FINANCE AGENCY

### Public Housing Administration DELEGATION OF FINAL AUTHORITY

#### Miscellaneous Amendments

Section II, Delegation of Final Authority, is amended as follows:



1. Paragraph C7 is hereby revoked.
2. Paragraph D2 is amended as follows: By deleting the title "Director of the Construction Branch," and by inserting in lieu thereof the title "Director of the Planning and Production Branch."
3. Paragraph D6 is amended as follows: By deleting the title "Director of the Land Branch," and by inserting in lieu thereof the title "Director of the Planning and Production Branch."

Approved: January 16, 1962.

[SEAL] MARIE C. McGUIRE,  
Commissioner.

[F.R. Doc. 62-757; Filed, Jan. 23, 1962;  
8:46 a.m.]

## INTERSTATE COMMERCE COMMISSION

[Notice 194]

### MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 19, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

#### MOTOR CARRIERS OF PROPERTY

No. MC 126 (Deviation No. 3), HUEY MOTOR EXPRESS, 1040 Flint Street, Cincinnati, Ohio, filed January 11, 1962. Attorney Fred F. Bradley, P.O. Box 127, Frankfort, Ky. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From the junction of U.S. Highway 25 and Interstate Highway 75, at Covington, Ky., over Interstate Highway 75 to junction U.S. Highway 25, south of Williamstown, Ky., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati, Ohio, over U.S. Highway 25 to Williamstown, and return over the same route.

No. MC 2998 (Deviation No. 2), WOLVERINE EXPRESS INCORPORATED,

701 Erie Avenue, Muskegon, Mich., filed January 8, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Scottville, Mich., over U.S. Highway 10 to Clare, Mich., thence over U.S. Highway 27 to Lansing, Mich., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Scottville over U.S. Highway 10 to junction U.S. Highway 31, thence over U.S. Highway 31 to Muskegon, Mich., thence over U.S. Highway 16 to Lansing, and return over the same route.

No. MC 10761 (Deviation No. 16), TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich., filed January 8, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Peoria and Danville, Ill., over Interstate Highway 74, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Peoria over U.S. Highway 150 to Danville, and return over the same route.

No. MC 28961 (Deviation No. 1), McDUFFEE MOTOR FREIGHT, INC., High School Avenue and Woodlawn Street, Lebanon, Ky., filed January 8, 1962. Attorney Fred F. Bradley, P.O. Box 127, Frankfort, Ky. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From the junction of Interstate Highway 75 and U.S. Highway 25, at Covington, Ky., over Interstate Highway 75 to junction U.S. Highway 25, south of Williamstown, Ky., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati, Ohio, over U.S. Highway 25 to Lexington, Ky., thence over U.S. Highway 68 to Shakertown, Ky., thence over Kentucky Highway 33 to Danville, Ky., thence over Kentucky Highway 35, via Liberty, Ky., to Wolfe Creek Dam, Ky., and return over the same route.

No. MC 41192 (Deviation No. 1), GRAND RAPIDS MOTOR EXPRESS, INC., 1520 Steele Avenue SW., Grand Rapids, Mich., filed January 8, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Kalamazoo, Mich., over Interstate Highway 94 to junction Indiana Highway 212, east of Michigan City, Ind., (B) from the Illinois-Indiana State Line, near Hammond, Ind., over Interstate Highways 80 and 90 to junction Indiana Highway 103, thence over Indiana Highway 103 to the Michigan-Indiana State

Line, near White Pigeon, Mich., thence over U.S. Highway 131 to Kalamazoo, Mich., and (C) from the junction of U.S. Highway 12, Interstate Highway 94 and Michigan Highway 140, south of Water-vliet, Mich., over Michigan Highway 140 to junction U.S. Highway 31, south of South Haven, Mich., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Chicago, Ill., over U.S. Highway 20 to junction Indiana Highway 212, thence over Indiana Highway 212 to junction U.S. Highway 12, thence over U.S. Highway 12 to Benton Harbor, Mich., thence over U.S. Highway 31 to Holland, Mich., thence over Michigan Highway 21 to Grand Rapids; from Chicago over U.S. Highway 12 to Kalamazoo, thence over U.S. Highway 131 to Grand Rapids; and from the junction of U.S. Highway 31 and Allegan County Highway, at Saugatuck, Mich., over Allegan County Highway to junction unnumbered highway, thence over unnumbered highway to junction U.S. Highway 31, and return over the same routes.

No. MC 66562 (Deviation No. 7), RAILWAY EXPRESS AGENCY, INCORPORATED, 1117 West Bay Street, Jacksonville, Fla., filed January 11, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, moving in express service, over a deviation route between Bunnell and Palatka, Fla., over Florida Highways 20 and 100, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Jacksonville, Fla., over U.S. Highway 1 to New Smyrna Beach, Fla.; and from Jacksonville, Fla. over U.S. Highway 17 to Palatka, thence over Florida Highway 207 to St. Augustine, Fla., and return over the same routes.

No. MC 69833 (Deviation No. 3), ASSOCIATED TRUCK LINES, INC., 15 Andre Street SE, Grand Rapids 7, Mich., filed January 12, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cincinnati, Ohio, over Interstate Highway 75 to a point south of Detroit, Mich., at or near the junction of U.S. Highways 24 and 25, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Detroit over U.S. Highway 24 to Toledo, Ohio, thence over U.S. Highway 25 to Cincinnati; and from Detroit over U.S. Highway 25 to Cincinnati, and return over the same routes.

No. MC 71743 (Deviation No. 1), BELLM FREIGHT LINES, INC., 1819 North 17th Street, St. Louis 6, Mo., filed January 12, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities* with certain exceptions over a deviation route be-



tween East Peoria and Morton, Ill., over Interstate Highway 74, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From East Peoria over U.S. Highway 150 to Morton, and return over the same route.

No. MC 78632 (Deviation No. 5), HOOVER MOTOR EXPRESS COMPANY, INC., P.O. Box 450, Polk Avenue, Nashville, Tenn., filed January 7, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From a point approximately two miles north of Pelham, Tenn., over unnumbered county highway to junction Interstate Highway 24, thence over Interstate Highway 24 to junction U.S. Highway 64, west of U.S. Highway 41 at Monteagle, Tenn., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Nashville, Tenn., over U.S. Highway 41 to Atlanta, Ga., and return over the same route.

No. MC 105957 (Deviation No. 3), DELTA MOTOR LINE, INC., P.O. Box 8367, Jackson, Miss., filed January 12, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between East Peoria and Morton, Ill., over Interstate Highway 74, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From East Peoria over U.S. Highway 150 to Morton, and return over the same route.

No. MC 105957 (Deviation No. 4), DELTA MOTOR LINE, INC., P.O. Box 8367, Jackson, Miss., filed January 12, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between St. Louis, Mo., and Hamel, Ill., over U.S. Highway 66, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From St. Louis over U.S. Highway 66 to junction Alternate U.S. Highway 67 (formerly City U.S. Highway 66), thence over Alternate U.S. Highway 67 to junction Illinois Highway 162 (formerly City U.S. Highway 66), thence over Illinois Highway 162 to junction Nameoki Avenue (formerly City U.S. Highway 66), thence over Nameoki Avenue to junction Illinois Highway 3 (formerly U.S. Highway 66), thence over Illinois Highway 3 to junction By-Pass U.S. Highway 66 (formerly U.S. Highway 66), thence over By-Pass U.S. Highway 66 to junction U.S. Highway 66, at Hamel, and return over the same route.

No. MC 105957 (Deviation No. 5), DELTA MOTOR LINE, INC., P.O. Box 8367, Jackson, Miss., filed January 12, 1962. Carrier proposes to operate as a

*common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of Alternate U.S. Highway 66 and Interstate Highway 55, approximately 13 miles north of Joliet, Ill., over Interstate Highway 55 to junction Alternate U.S. Highway 66, near Gardner, Ill., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From the junction of U.S. Highway 66 and Alternate U.S. Highway 66 over Alternate U.S. Highway 66 to junction U.S. Highway 66, and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 62-767; Filed, Jan. 23, 1962;  
8:47 a.m.]

[Notice 417]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 19, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

### MOTOR CARRIERS OF PROPERTY

No. MC 112020 (Sub-No. 106) (as amended and clarified), filed November 28, 1960, amended October 25, 1961, and republished this issue. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. No. MC 113514 (Sub-No. 66) (as amended and clarified), filed October 5, 1960, amended October 25, 1961, and republished this issue. Applicant: SMITH TRANSIT, INC., 305 Simons Building, Dallas 1, Tex. Applicant's attorney: W. D. White, 1900 Mercantile Dallas Building, Dallas 1, Tex.

No. MC 116063 (Sub-No. 11) (as amended and clarified), filed August 29, 1960, amended October 23, 1961, and republished this issue. Applicant: C & R TRANSPORT COMPANY, INC., P.O. Box 12303, Fort Worth, Tex. Applicant's attorney: T. S. Christopher, 807 Continental Life Building, Fort Worth, Tex. The above-numbered proceedings were the subject of a Pre-Hearing Conference held November 30, 1960, at Chicago, Ill. The authority sought in all three appli-

cations, as amended and clarified, is as follows: Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, dry in bulk (except flour, catalyst, sugar, starch, barites, potash, carbon black, cement, and fly ash), in tank vehicles, hopper vehicles, hydraulic unloading dump vehicles, cable unloading dump vehicles, or tank type gravity unloading dump vehicles; (a) Between points in Texas and Louisiana, on the one hand, and, on the other, points in Arizona, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Tennessee, Wisconsin, Nebraska, Michigan, Oregon, Washington, Delaware, Alabama, Mississippi, Oklahoma, New Mexico, West Virginia, Virginia, Pennsylvania, New York, New Jersey, Maryland, and Utah; (b) Between points in Texas, Oklahoma, Kansas, Nebraska, Iowa, Missouri, Arkansas, Louisiana, Colorado, New Mexico, Arizona, Mississippi, Tennessee, and Illinois.

**HEARING INFORMATION:** February 26-March 2, 1962, at the Baker Hotel, Dallas, Tex., before Examiner James O'D Moran. March 5-9, 1962, at the Texas State Hotel, Houston, Tex., before Examiner James O'D Moran. This assignment is for the sole purpose of applicants' initial presentation and the time and place or places, if any, for hearing the remainder of applicants' case in chief, will be at the discretion of the presiding examiner to be fixed at the conclusion of the Houston hearing indicated above. If applicants' complete their presentation at the Houston hearing, consideration will also be given to the time and place for protestants' presentation by the examiner.

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 62-768; Filed, Jan. 23, 1962;  
8:47 a.m.]

[Notice 418]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 19, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

### MOTOR CARRIERS OF PROPERTY

No. MC 263 (Sub-No. 118) (REPUBLICATION), filed May 2, 1960, published



FEDERAL REGISTER, issue of November 9, 1960, amended and republished issue of February 22, 1961, and republished this issue. Applicant: GARRETT FREIGHT-LINES, INC., 2055 Pole Line Road, Pocatello, Idaho. Applicant's attorney: Maurice H. Greene, P.O. Box 1554, Boise, Idaho. Notice of the filing of the application was originally published in the FEDERAL REGISTER, issue of November 9, 1960. A second notice of the filing of the application as amended was republished in the FEDERAL REGISTER, issue of February 22, 1961. A Report and Order served August 24, 1961, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle of dry fertilizer and dry fertilizer materials, (1) in bags, from Don, Idaho, to points in California, Oregon, Washington, Nevada, Utah, and Colorado, and (2) in bulk, from Don to points in California, over irregular routes in each instance. A Decision and Order of the Commission, division 1, dated December 6, and served December 14, 1961, provides that the grant of authority recommended by the examiner, to the extent it includes that portion of shipper's plant at Don, Idaho, lying within Power County, Idaho (incorrectly described as Parks County, Idaho, in the prior report), is broader in territorial scope than indicated in the notice previously published in the FEDERAL REGISTER, and allows 30 days from the date of this republication in the FEDERAL REGISTER, during which time any interested party who may have been adversely affected by the broadened territorial scope of such grant with respect to the notice as previously published, may file an appropriate pleading.

No. MC 873 (Sub-No. 39), filed January 12, 1962. Applicant: SOONER FREIGHT LINES, a corporation, 3000 West Reno, Oklahoma City, Okla. Applicant's attorney: Sidney P. Upsher, P.O. Box 2488, Oklahoma City, Okla. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods and potato products*, between Denver, Colo., and points in Oklahoma, points in Missouri on and south of U.S. Highway 40, points in Kansas on and south of U.S. Highway 40, and points in Texas on, east and north of the following line: Beginning at the Texas-New Mexico State line on U.S. Highway 84, thence southeasterly over U.S. Highway 84 to Abilene, Tex., thence south over U.S. Highway 83 from Abilene, Tex., to Uvalde, Tex., thence over U.S. Highway 90 from Uvalde, Tex., to the intersection of U.S. Highway 90 with the Texas-Louisiana State line, east of Orange, Tex.

NOTE: Applicant states it is a wholly owned subsidiary of Lee Way Motor Freight, Inc.

HEARING: February 5, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner Donald R. Sutherland.

No. MC 1855 (Sub-No. 9), filed November 17, 1961. Applicant: SCHWENZER BROS., INC., 757 St. George Avenue, Woodbridge, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad

Street, Newark 2, N.J. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in containers, from Sewaren, N.J., to Macungie, Pa., and empty containers and rejected, returned, and damaged shipments of the above-specified commodities, on return. RESTRICTION: The proposed operation is restricted to service under contract with Shell Oil Company.

HEARING: March 2, 1962, at 346 Broadway, New York, N.Y., before Examiner James A. McKiel.

No. MC 2202 (Sub-No. 222), filed November 20, 1961. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron 9, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Lexington, Ky., and Chattanooga, Tenn.; from Lexington over U.S. Highway 27 to Chattanooga, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's presently authorized regular route operations.

HEARING: March 20, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 388, or, if the Joint Board waives its right to participate, before Examiner Francis A. Welch.

No. MC 3468 (Sub-No. 146), filed October 27, 1961. Applicant: F. J. BOUTELL DRIVEAWAY CO., INC., 705 South Dort Highway, Flint, Mich. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New automobiles*, in secondary movements, in truckaway and driveaway service, (1) from points in Bergen and Hudson Counties, N.J., to points in Connecticut and (2) from points in Middlesex, Norfolk, and Suffolk Counties, Mass., to points in Maine, New Hampshire, Rhode Island, Vermont, Connecticut, and Massachusetts. RESTRICTION: Applicant states that the service involved is restricted to traffic: (1) Which originates at the sites of the plants of the Cadillac Division of the General Motors Corporation in Detroit, Mich., and (2) which has had an immediately prior movement by rail.

HEARING: March 7, 1962, at 346 Broadway, New York, N.Y., before Examiner Abraham J. Essrick.

No. MC 7228 (Sub-No. 24) (AMENDMENT), filed August 5, 1959, published issue of December 20, 1961, amended January 15, 1962, and republished as amended this issue. Applicant: HOME TRANSFER & STORAGE CO., a corporation, 1906 Southeast 10th Avenue, Portland 14, Oreg. Applicant's attorney: George La Bissoniere, 333 Central Build-

ing, Seattle, Wash. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fresh and frozen foods*, all kinds, and *potato products* other than frozen, between points in Washington, Oregon, California, Idaho, Nevada, Arizona, Montana, Colorado, Utah, New Mexico, and Texas.

NOTE: The purpose of this republication is to include potato products other than frozen to the commodities above.

HEARING: February 5, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner Donald R. Sutherland.

No. MC 9429 (Sub-No. 5), filed November 27, 1961. Applicant: PAUL V. ADAMS TRUCKING, INC., 20 Schuler Street, P.O. Box 231, Sanford, Maine. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving North Berwick, Maine, as an intermediate point in connection with applicant's presently authorized regular-route operations between Portsmouth, N.H. and Biddeford, Maine.

HEARING: March 14, 1962, at the Senate Chamber, State House, Augusta, Maine, before Joint Board No. 70, or, if the Joint Board waives its right to participate, before Examiner James A. McKiel.

No. MC 20110 (Sub-No. 5), filed November 3, 1961. Applicant: MESSINGER TRUCKING & WAREHOUSE CORP., 604-610 West 37th Street, New York 18, N.Y. Applicant's attorney: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Household appliances*, including but not restricted to refrigerators, freezers, washing machines, dryers, dishwashers, ironers, ranges, coolers, televisions, radios, phonographs and combinations thereof, and returned, refused and rejected shipments, (1) between New York, N.Y., on the one hand, and, on the other, points in New Jersey and Connecticut, (2) between North Brunswick, Watchung, Audubon, Paramus, and Trenton, N.J., on the one hand, and, on the other, points in New Jersey on and north of U.S. Highway 40, and (3) between Trumbull and Hartford, Conn., on the one hand, and, on the other, points in Connecticut on and west of Connecticut Highway 32.

NOTE: Applicant states all duplicating authority is to be eliminated.

HEARING: February 26, 1962, at 346 Broadway, New York, N.Y., before Examiner James A. McKiel.

No. MC 23939 (Sub-No. 113), filed August 30, 1961. Applicant: ASBURY TRANSPORTATION CO., a corporation, 2222 East 38th Street, Los Angeles 58, Calif. Applicant's attorney: E. B. Evans, 718 Symes Building, Denver 2, Colo. Au-



thority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Nitrogen tetroxide*, in government-owned or carrier-owned specially designed trailers, loaded or empty, and (2) *empty trailers*, between Hopewell, Va., and Cape Canaveral, Fla.

**HEARING:** February 26, 1962, at the U.S. Court Rooms, Richmond, Va., before Examiner A. Lane Cricher.

No. MC 28536 (Sub-No. 8), filed November 9, 1961. Applicant: FOX & GINN, INC., 12 Howard Lane, Bangor, Maine. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, new furniture, uncrated commodities in bulk, and those requiring special equipment), between Moose River, Maine, and the International Boundary Line between the United States and Canada at or near Dennistown, Maine, from Moose River over U.S. Highway 201, to the International Boundary Line and return over the same route, serving no intermediate points.

**HEARING:** March 13, 1962, at the Senate Chamber, State House, Augusta, Maine, before Joint Board No. 115, or, if the Joint Board waives its right to participate, before Examiner James A. McKiel.

No. MC 31600 (Sub-No. 518), filed December 8, 1961. Applicant: P. B. MURTRIE MOTOR TRANSPORTATION, INC., Calvery Street, Waltham 54, Mass. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Whiskey*, in bulk, in tank vehicles, from Bardstons, Ky., and points within fifteen (15) miles thereof, to points in Connecticut, Rhode Island, New Jersey, and Delaware.

**HEARING:** March 12, 1962, at the Federal Building, Providence, R.I., before Examiner Abraham J. Essrick.

No. MC 40858 (Sub-No. 51), filed November 13, 1961. Applicant: THE SILVER FLEET MOTOR EXPRESS, INC., 216 Pearl Street, Louisville 2, Ky. Applicant's attorney: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except loose bulk commodities, livestock, Classes A and B explosives, currency, bullion, articles of virtue, and commodities which are contaminating or injurious to other lading, or which exceed ordinary equipment and loading facilities), between Elkton, Tenn., and Athens, Ala.; from Elkton over new, relocated U.S. Highway 31 to Athens, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, used in connection with applicant's presently authorized regular-route operations over old U.S. Highway 31.

**HEARING:** March 20, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 106,

or, if the Joint Board waives its right to participate, before Examiner Francis A. Welch.

No. MC 41255 (Sub-No. 35), filed October 24, 1961. Applicant: GRUBE MOTOR LINES, INC., P.O. Drawer 567, Lexington, N.C. Applicant's attorney: William M. York, 201-204 Jefferson Building, Greensboro, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated, as listed in Appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 273-274, from Goldsboro, N.C., to points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, South Carolina, Vermont, and the District of Columbia.

**HEARING:** March 2, 1962, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Examiner A. Lane Cricher.

No. MC 41255 (Sub-No. 36), filed November 14, 1961. Applicant: GRUBE MOTOR LINES, INC., Old Salisbury Road, P.O. Box 847, Lexington, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated and uncrated, as listed in Appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 273-274, from Siler City, N.C., to points in Connecticut, Delaware, Florida, Georgia, Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, and *rejected shipments of new furniture*, on return.

**HEARING:** March 2, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner A. Lane Cricher.

No. MC 55811 (Sub-No. 75), filed November 9, 1961. Applicant: CRAIG TRUCKING, INC., Albany, Ind. Applicant's attorney: Howell Ellis, Suite 1210 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, food preparations and baby supplies* from Fremont, Mich., to points in Iowa, and *rejected or returned shipments* on return.

**HEARING:** March 1, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Hugh M. Nicholson.

No. MC 55811 (Sub-No. 76), filed January 11, 1962. Applicant: CRAIG TRUCKING, INC., Albany, Ind. Applicant's attorney: Howell Ellis, Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers and tubing* between Lapel, Ind., on the one hand, and on the other, points in Illinois and Ohio; points in the lower peninsula of Michigan; points in Iowa within ten (10) miles of the Iowa-Illinois State line; points in Missouri within ten (10) miles of the Missouri-Illinois State line; points in Kentucky within ten (10) miles of the Kentucky-Illinois State line, the Kentucky-Indiana State line and the

Kentucky-Ohio State line; points in West Virginia within ten (10) miles of the West Virginia-Ohio State line; points in Pennsylvania within ten (10) miles of the Pennsylvania-Ohio State line; points in Allegheny, Beaver, Butler, Lawrence, Mercer, and Washington Counties, Pa.; and Brockway, Jeannette, North East, Schenley, and South Connellsville, Pa., and points within ten (10) miles of Jeannette, Schenley, and South Connellsville, Pa.

**HEARING:** February 1, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank R. Saltzman.

No. MC 64806 (Sub-No. 7), filed October 16, 1961. Applicant: R. P. THOMAS TRUCKING COMPANY, INCORPORATED, 926 Danville Road, Martinsville, Va. Applicant's representative: Thaxton Richardson, Greensboro, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture*, (1) from Pulaski, Va., to points in Connecticut, Rhode Island, and Massachusetts, (2) from Bassett and Martinsville, Va., to points in Connecticut, Rhode Island, Massachusetts, and New York and (3) *damaged and rejected shipments of new furniture*, in (1) and (2) above, on return.

**HEARING:** March 1, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner A. Lane Cricher.

No. MC 77972 (Sub-No. 2), filed November 6, 1961. Applicant: MERCHANTS TRUCK LINE, INC., P.O. Box 209, New Albany, Miss. Applicant's attorney: Rubel L. Phillips, Deposit Guaranty Bank Building, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, commodities in bulk. Commodities requiring special equipment, and those injurious or contaminating to other lading), from New Albany, Miss., to Pontotoc, Ackerman, and Louisville, Miss.; (1) from New Albany over Mississippi Highway 15 to Pontotoc, Ackerman, and Louisville, and return over the same route, serving no intermediate points, (2) between Ackerman and Starkville, Miss.; over Mississippi Highway 12 for operating convenience only, serving no intermediate points, and (3) between Louisville and Starkville, Miss.; over Mississippi Highway 25 for operating convenience only, serving no intermediate points.

**NOTE:** Applicant states it is already authorized to serve Pontotoc as an off-route point under Docket No. MC 77972.

**HEARING:** March 12, 1962, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 97, or, if the Joint Board waives its right to participate, before Examiner Francis A. Welch.

No. MC 81968 (Sub-No. 20), filed December 21, 1961. Applicant: B & L MOTOR FREIGHT, INC., 171 Riverside, Newark, Ohio. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington, D.C. Authority sought to operate as a *contract carrier*,



by motor vehicle, over irregular routes, transporting: *Equipment, materials and supplies, used in the installation and erection of fiberglass materials and products, fibrous glass, mineral wool products, plastic materials and plastic products (in mixed shipments with such materials and products)*, between Newark, Ohio, on the one hand, and on the other, points in Ohio, Pennsylvania, West Virginia, Kentucky, New York, Indiana, Illinois, Michigan, Wisconsin, Missouri, Delaware, Maryland, New Jersey, Connecticut, Massachusetts, Rhode Island, the District of Columbia, and points in Kansas within the Kansas City, Mo.-Kansas City, Kans., Commercial Zone.

NOTE: Applicant states that it is under common control with Atlas Freight Lines, Inc., and Service Motor Freight, Inc., both contract carriers. Applicant also refers to its application to acquire control of Capitol Motor Freight, Inc. (MC-F-7753). Note further that applicant holds common carrier authority under MC-123255, so dual operation may be involved.

HEARING: February 28, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William R. Tyers.

No. MC 95540 (Sub-No. 386), filed November 8, 1961. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from Charleston, S.C., and Savannah, Ga., to points in Arkansas and Wisconsin.

NOTE: Applicant states that it is affiliated "with Arctic Express, Inc., through stock ownership in Bill Watkins, and Watkins Motor Lines, Inc."

HEARING: February 27, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Hugh M. Nicholson.

No. MC 95540 (Sub-No. 390), filed December 6, 1961. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs*, from points in Maine, Massachusetts, New Hampshire, New Jersey, New York, N.Y., including the Commercial Zone, as defined by the Commission, and Pennsylvania, to points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

NOTE: Applicant states, "It is affiliated with Arctic Express, Inc., through stock ownership in Bill Watkins and Watkins Motor Lines, Inc."

HEARING: February 27, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William K. Royall.

No. MC 105813 (Sub-No. 48), filed October 30, 1961. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest

23d Street, Miami, Fla. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packing house products, and commodities, used by packing houses*, as described in Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, and 766, from Memphis, Tenn., to points in Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina.

HEARING: March 6, 1962, at the Claridge Hotel, Memphis, Tenn., before Examiner Francis A. Welch.

No. MC 105813 (Sub-No. 52), filed November 16, 1961. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami 42, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lighting fixtures, power hand saws, bath cabinets, sprayers, and compressors*, from Hopkinsville, Ky., Chicago, Ill., and Sheboygan, Wis., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

HEARING: March 2, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Hugh M. Nicholson.

No. MC 107012 (Sub-No. 39), filed November 13, 1961. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. Applicant's representative: Charles H. Trayford, Room 3001, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pianos and piano benches* (uncrated), from New York, N.Y., and points in Warren County, N.Y., to points in Alabama, Alaska, Connecticut, Delaware, Florida, Georgia, Hawaii, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, and *rejected and returned pianos*, on return.

HEARING: March 9, 1962, at 346 Broadway, New York, N.Y., before Examiner Abraham J. Essrick.

No. MC 107323 (Sub-No. 36), filed November 15, 1961. Applicant: GILLILAND TRANSFER COMPANY, a corporation, 21 West Sheridan Street, Fremont, Mich. Applicant's attorney: Howell Ellis, 1210-12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs, food preparations, and baby supplies*, from Fremont, Mich., to points in Iowa; and (2) *Returned and rejected shipments of the above-specified commodities*, from points in Iowa to Fremont, Mich.

HEARING: March 1, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Hugh M. Nicholson.

No. MC 107475 (Sub-No. 50), filed November 6, 1961. Applicant: DANCE FREIGHT LINES, INC., 728 National

Avenue, Lexington, Ky. Applicant's attorney: Paul M. Daniell, 214 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Clinton, Tenn., and Harriman, Tenn., from Clinton over Tennessee Highway 61 to Harriman, and return over the same route, serving no intermediate points and serving Harriman for joiner to existing routes only, as an alternate route for convenience only.

HEARING: March 16, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 107, or, if the Joint Board waives its right to participate, before Examiner Francis A. Welch.

No. MC 107496 (Sub-No. 218), filed November 20, 1961. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Arkansas, Mississippi, and Missouri.

NOTE: Dual operations may be involved, as applicant is presently authorized to conduct operations as a contract carrier in MC-119136 and subs thereunder. Applicant states that it is wholly owned by John Ruan, and it controls and owns all of the outstanding capital stock of Illinois-Ruan Transport Corporation, a certificated carrier in interstate commerce.

HEARING: March 5, 1962, at the Claridge Hotel, Memphis, Tenn., before Examiner Francis A. Welch.

No. MC 108053 (Sub-No. 29), filed November 8, 1961. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., P.O. Box 310, Fremont, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fresh meat and packing house products*, from Lincoln, Nebr., to points in California, and (2) *Fresh meat, packing house products, and frozen foods*, from Pueblo, Colo., to points in California.

NOTE: Applicant states it is controlled by Midwest Emery Freight System, Inc.

HEARING: February 26, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Hugh M. Nicholson.

No. MC 108053 (Sub-No. 32), filed January 11, 1962. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., P.O. Box 310, Fremont, Nebr. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods and potato products*, not frozen from points in Washington, Oregon, Idaho, and Utah, to points in Nevada, Utah, Arizona, New Mexico, Minnesota, Missouri, Colorado, Wyoming, Montana, North Dakota, South Dakota, Nebraska, Wisconsin, Upper Peninsula of Michigan, Illinois, Iowa, Kansas, California, Louisiana, Oklahoma, Texas,



Arkansas, and Kentucky, (2) from points in Idaho and Utah, to points in Oregon and Washington, (3) from points in Oregon, to points in Washington and Idaho, and (4) from points in Washington to points in Oregon and Idaho.

**HEARING:** February 5, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner Donald R. Sutherland.

No. MC 108676 (Sub No. 6), filed October 2, 1961. Applicant: A. J. METTLER HAULING & RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville 17, Tenn. Applicant's attorney: Samuel W. Earnshaw, 983 National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities requiring special equipment*, (1) between points in Tennessee, on the one hand, and, on the other, points in Alabama, Georgia, Kentucky, North Carolina, South Carolina, and Virginia, and (2) between points in Tennessee.

**NOTE:** Applicant states no authority duplicating present rights is herein sought.

**HEARING:** February 28, 1962, at the U.S. Court Rooms, Knoxville, Tenn., before Examiner Francis A. Welch.

No. MC 108884 (Sub-No. 7), filed November 9, 1961. Applicant: ROGERS AND KASPER, INC., Route 46, Great Meadows, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in mechanically refrigerated vehicles, from New York, N.Y., Jersey City, Secaucus, and South Hackensack, N.J., to points in Warren County, N.J., Lehigh, Northampton, Berks, Lackawanna, Luzerne, Northumberland, Dauphin, and Cumberland Counties, Pa., Broome County, N.Y., and Hagerstown, Md., and *rejected, returned and damaged shipments*, on return.

**NOTE:** Applicant states it presently holds a substantial portion of the above authority, restricted to shipments of 5,000 pounds.

**HEARING:** March 1, 1962, at 346 Broadway, New York, N.Y., before Examiner James A. McKiel.

No. MC 109250 (Sub-No. 7), filed September 8, 1961. Applicant: ELMER N. WILKINSON, doing business as ELMER N. WILKINSON HAULING, West Center Street, Mebane, N.C. Applicant's attorney: Connie E. Bolden, Mebane, N.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, uncrated; from Mebane, N.C., and points within 2 miles thereof, to points in Pennsylvania and West Virginia, and *empty containers or other such incidental facilities*, used in transporting the above-described commodity, on return.

**NOTE:** Applicant states the above-described operation will be for the account of Crattique, Inc.

**HEARING:** March 1, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner A. Lane Cricher.

No. MC 109497 (Sub-No. 7) (AMENDMENT), filed December 27, 1961, published *FEDERAL REGISTER*, issue of January 17, 1962, amended January 17, 1962, and republished as amended this issue. Applicant: A. F. COMER, doing business as A. F. COMER TRANSPORT SERVICE, Rocky Mount, N.C. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline, kerosene, fuel oils, jet fuels, lubricating oils, and solvents*, from Wilmington, N.C., to points in Virginia.

**NOTE:** The purpose of this republication is to add solvents to the commodities proposed to be transported.

**HEARING:** Remains as assigned January 31, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 7.

No. MC 110420 (Sub-No. 302), filed November 8, 1961. Applicant: QUALITY CARRIERS, INC., Calumet Street, Burlington, Wis. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Adhesive*, in bulk, in tank vehicles, from Chicago, Ill., to points in Wisconsin, Iowa, Indiana, Nebraska, Minnesota, Michigan, Missouri, Ohio, Kentucky, Tennessee, and Pawtucket, R.I.; (2) *liquid softener*, in bulk, in tank vehicles, from Peoria, Ill., to points in Ohio, Indiana, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Kentucky, and Tennessee; (3) *talc*, dry, in bulk, in tank or hopper-type vehicles, from Great Lakes, Ill., to Sun Prairie, Wis.; (4) *rosin*, in bulk, in tank vehicles, from Columbia, Miss., to Chicago, Ill.; (5) *animal blood, ground bone, and ground animal offal, and blends or mixtures thereof*, in bulk, in tank vehicles, from Sioux City and Spencer, Iowa, and Madison, Wis., to Rockford, Ill.

**HEARING:** February 28, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Hugh M. Nicholson.

No. MC 112815 (Sub-No. 3), filed October 25, 1961. Applicant: SARACCO TRUCKING CO., INC., 448 West Broadway, New York, N.Y. Applicant's attorney: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, and *returned, refused, and rejected shipments*, between points in the New York, N.Y., Commercial Zone as defined by the Commission in the Fifth Supplemental Report 53 M.C.C. 451, on the one hand, and, on the other, points in Connecticut, Massachusetts, and the District of Columbia.

**NOTE:** Carrier holds Certificate MC 112815 (Sub-No. 1) authorizing transportation of the above-named commodity from New York, N.Y., and the Commercial Zone thereof as defined by the Commission, to points in certain named States.

**HEARING:** March 5, 1962, at 346 Broadway, New York, N.Y., before Examiner Abraham J. Essrick.

No. MC 113106 (Sub-No. 9), filed December 26, 1961. Applicant: KENNETH K. ZECHMAN AND HARRY E. ZECHMAN, a partnership, doing business as BLUE DIAMOND CO., 4401 East Fairmont Avenue, Baltimore 24, Md. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Insecticides, herbicides, and fungicides* (except in bulk, in tank vehicles), *sprayers, applicators, or distributors, and parts thereof*, for applying fertilizers, insecticides, herbicides, and fungicides, and *advertising paraphernalia and displays used in promoting the sale of the foregoing commodities*, limited to shipments transported simultaneously with fertilizer materials from Baltimore, Md., to Wilmington, Del., Washington, D.C., points in Pennsylvania and Virginia within 200 miles of Baltimore, Md., and points in that part of New York on and west of New York Highway 14; and (2) *damaged shipments of the immediately above-specified commodities* from the destination points specified above to Baltimore, Md.

**NOTE:** In the event the above authority is granted, applicant requests that upon issuance of same, cancellation of the presently held authority to transport *insecticides, herbicides and fungicides* (except in bulk, in tank vehicles), *sprayers, applicators, or distributors, and parts thereof*, for applying fertilizers, insecticides, and fungicides, and *advertising paraphernalia and displays used in promoting the sale of the foregoing commodities*, limited to shipments transported simultaneously with fertilizer materials, from the plant sites or warehouses of Swift & Company and Miller Chemical and Fertilizer Corp., Baltimore, Md., to Wilmington, Del., Washington, D.C., points in Pennsylvania and Virginia within 200 miles of Baltimore, Md., and points in that part of New York on and west of New York Highway 14; and *damaged shipments of the above-specified commodities* from the destination points specified immediately above, to the plant sites or warehouses of Swift & Company and Miller Chemical and Fertilizer Corp., Baltimore, Md.

**HEARING:** February 28, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 113267 (Sub-No. 52), filed November 15, 1961. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Frederick H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen food* (when shipped in the same vehicle with shipments of meats, meat products, meat by-products, dairy products, and articles distributed by meat packing houses), from Memphis, Tenn., to points in that part of Alabama, north and west of Jackson, De Kalb, Etowah, St. Clair, Shelby, Bibb, Hale, Marengo, and Choctaw Counties, Ala., points in that part of Mississippi, north of Clarke, Jasper, Smith, Simpson, Copiah, and Clairborne Counties, Miss., points in that part of Arkansas east of Columbia, Nevada, Pike, Montgomery, Scott, Logan, Johnson,



Madison, and Carroll Counties, Ark., and points in that part of Tennessee, west of Sumner, Wilson, Rutherford, Bedford, and Lincoln Counties, Tenn.

NOTE: Applicant has pending contract carrier authority MC 50132 Sub 57. Applicant states they are "stockholders and officers" in the following Motor Carriers of passengers and baggage and express, Industrial Lines, Inc., MC 114168, Vandalia Bus Line, Inc., MC 2698. In addition thereto Oliver and Kathryn Anderson are officers and stockholders in Caseyville Bus Lines, Inc., MC 110845.

HEARING: March 2, 1962, at the Claridge Hotel, Memphis, Tenn., before Examiner Francis A. Welch.

No. MC 113336 (Sub-No. 51), filed December 26, 1961. Applicant: PETROLEUM TRANSIT COMPANY, INC., P.O. Box 29, Lumberton, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from New York, N.Y., to points in Tennessee, Kentucky, Virginia, North Carolina, South Carolina, and Georgia.

NOTE: Common control may be involved.

HEARING: February 28, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 113336 (Sub-No. 52), (AMENDMENT), filed December 27, 1961, published FEDERAL REGISTER, issue of January 17, 1962, amended January 17, 1962, and republished as amended this issue. Applicant: PETROLEUM TRANSIT COMPANY, INC., P.O. Box 29, Lumberton, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Gasoline, kerosene, fuel oils, jet fuels, lubricating oils, and solvents*, from Wilmington, N.C., to points in Virginia.

NOTE: The purpose of this republication is to add solvents to the commodities proposed to be transported.

HEARING: Remains as assigned January 31, 1962, at the U.S. Court Rooms, Uptown Post Office, Raleigh, N.C., before Joint Board No. 7.

No. MC 114019 (Sub-No. 68), filed October 30, 1961. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, packing house products, and commodities used by packing houses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Memphis, Tenn., to points in Kentucky, Illinois, Indiana, Michigan, Ohio, West Virginia, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, and the District of Columbia.

NOTE: Applicant states it controls Little Audrey's Transportation Co., Inc.

HEARING: March 6, 1962, at the Claridge Hotel, Memphis, Tenn., before Examiner Francis A. Welch.

No. MC 114019 (Sub-No. 80), filed January 16, 1962. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place, NW., Washington 6, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Cleveland, Ohio, to Bismarck, N. Dak., Salt Lake City, Utah, Denver, Colo., and points in Oregon and Washington.

NOTE: Applicant states it controls Little Audrey's Transportation, Inc.

HEARING: January 30, 1962, at the Old Post Office Building, Public Square and Superior Avenue, Cleveland, Ohio, before Examiner Joseph A. Reilly.

No. MC 114091 (Sub-No. 44), filed January 15, 1962. Applicant: FLEET TRANSPORT CO. OF KY., INC., 3601 South Seventh Street Road, Louisville, Ky. Applicant's attorney: Ollie L. Merchant, Suite 202, 140 South Fifth Street, Louisville 2, Ky. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in tank vehicles, from the pipeline terminal site of the Texas Eastern Transmission Corporation located near Oakland City, Ind., to points in Illinois.

HEARING: January 25, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 21.

No. MC 114569 (Sub-No. 46), filed December 26, 1961. Applicant: SHAFFER TRUCKING, INC., Elizabethville, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from Peach Glen, Biglerville, and Orrtanna, Pa., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Utah, Wisconsin, and Wyoming.

HEARING: March 1, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John L. York.

No. MC 115322 (Sub-No. 27), filed December 7, 1961. Applicant: J. M. BLYTHE, doing business as J. M. BLYTHE MOTOR LINES, P.O. Box 489, Sanford, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Wethersfield, Conn., to points in Alabama.

HEARING: March 5, 1962, at the New Post Office and Court House Building, Boston, Mass., before Examiner James A. McKiel.

No. MC 115471 (Sub-No. 8) (REPUBLICATION), filed September 26, 1960, published FEDERAL REGISTER, issue of No-

vember 16, 1960, and republished this issue. Applicant: JOSEPH WALSH, doing business as NORTH AMERICAN TRANSPORT CO., 5216 Perkins Avenue, Cleveland 3, Ohio. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington 6, D.C. The subject application as originally filed and published in the FEDERAL REGISTER, sought authority as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Radioactive waste*, in lead casks, on return. (2) *Liquid hydrogen and liquid nitrogen*, in government-owned research-type trailers, between Cleveland, Ohio, and Temperanceville, Va. The proceeding was heard on a consolidated record with No. MC 4405 (Sub-No. 364), Dealers Transit, Inc. A Report and Order of division 1, decided November 27, and served December 6, 1961, in the title proceeding embraced the findings in the instant proceeding, MC 115471 (Sub-No. 8), and granted applicant authority in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of irradiated fuel elements, in lead casks, from Sandusky, Ohio, to the National Reactor Test Station near Scoville, Idaho, under a continuing contract with the National Aeronautics and Space Administration. Any person or persons who might have been prejudiced by the notice of filing of the application as originally published in the FEDERAL REGISTER, may, within 30 days from the date of this republication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 116632 (Sub-No. 5), filed September 14, 1961. Applicant: RALPH E. CURTIS & SON, INC., 123 Mount Hope Avenue, Bangor, Maine. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber*, (1) from points in Washington and Hancock Counties, Maine, to points in Vermont; (2) from points in Aroostook and Penobscot Counties, Maine, to points in New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania; (3) *Empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, from the destination points specified above to their respective origin points; and (4) *Lumber and empty containers or other such incidental facilities* (not specified) used in transporting Lumber, between points in Maine, on the one hand, and, on the other, ports of entry on the International Boundary line between the United States and Canada, located in the States named in (1) and (2) above.

HEARING: March 12, 1962, at the Senate Chamber, State House, Augusta, Maine, before Examiner James A. McKiel.

No. MC 116763 (Sub-No. 20), filed December 14, 1961. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio, and Benjamin J. Brooks, 4700 Connecticut Avenue, Washington 8, D.C. Authority sought



to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Woodenware and related articles*, from points in Maine, New Hampshire, and Vermont to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

**HEARING:** March 9, 1962, at the Federal Building, Federal Street, Portland, Maine, before Examiner James A. McKiel.

No. MC 117119 (Sub-No. 39), filed November 24, 1961. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food preparations, and food-stuffs*, in vehicles equipped with mechanical refrigeration, from Jackson, Bells, Humboldt, and Milan, Tenn., and Athens, Ala., to Oklahoma City, Okla., Springdale, Ark., and points in Montana, Arizona, California, Texas, New Mexico, Missouri, Iowa, Minnesota, and Nebraska; and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return.

**NOTE:** Applicant indicates that it has no connection with any other carrier except that it is authorized, by order in MC-F-7816, to lease temporarily the properties of Pellham Transportation Co., Inc.

**HEARING:** March 16, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Francis A. Welch.

No. MC 117995 (Sub-No. 4) (AMENDMENT), filed January 9, 1962, published *FEDERAL REGISTER*, issue of January 17, 1962, and republished as amended, this issue. Applicant: NEIL B. OLMSTED, E. B. OLMSTEAD, AND ALVIN H. ANDERSON, doing business as REFRIGERATED TRUCK LINES, Route 3, Box 147, Mount Vernon, Wash. Applicant's attorney: George R. Labissoniere, 333 Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and potato products*, not frozen, (1) between points in Washington, Oregon, Idaho, and California, on the one hand, and, on the other, points in New York, Kentucky, Wyoming, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Wisconsin, Oklahoma, Ohio, South Dakota, Utah, Arizona, New Mexico, Texas, and Louisville, Ky., (2) between points in Idaho, on the one hand, and, on the other, points in Oregon and Washington, and (3) between points in California, on the one hand, and, on the other, points in Washington and Oregon.

**NOTE:** The purpose of this amendment is to include service to the additional destina-

tion points of New Mexico and Texas in Item (1) above.

**HEARING:** Remains as assigned February 5, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner Donald R. Sutherland.

No. MC 119219 (Sub-No. 3) (CORRECTION TO REPUBLICATION), filed July 1, 1960, published *FEDERAL REGISTER*, issue of August 17, 1960, republished issue January 17, 1962, and republished as corrected this issue. Applicant: RAYMOND L. BURT, doing business as BURT DISTRIBUTING COMPANY, 935 Florida SE., Albuquerque, N. Mex. Applicant's representative: L. C. Cyfert, Room 2, 1115½ Central Avenue NE., Albuquerque, N. Mex. In the republication of the subject application setting forth the request for authority as originally filed, immediately following the description of the items, namely, empty containers, etc., set forth in Item IV of paragraph 2, the republication reads: "A notation on page 1 reads as follows:." Correctly stated, that reference should read: "A notation on page 1 reads as follows: 'See attached sheet 1, Item II.'" The attachment sets forth the route description as contained in the republication, beginning "From Albuquerque, N. Mex., \* \* \*"

No. MC 119367 (Sub-No. 6), filed November 13, 1961. Applicant: JOSEPH M. ANTONA, Box 315, Washingtonville, N.Y. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, loose and baled, on flat bed and in dump vehicles, from Poughkeepsie, N.Y., to Port Newark, Jersey City, Harrison, New Brunswick, Carteret, and South Amboy, N.J.

**NOTE:** Applicant states the proposed service will be restricted to service under a continuing contract with Charles Efron & Son, of Poughkeepsie, N.Y.

**HEARING:** February 28, 1962, at 346 Broadway, New York, N.Y., before Examiner James A. McKiel.

No. MC 119777 (Sub-No. 5), filed December 20, 1961. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer 31, Madisonville, Ky. Applicant's attorney: Robert M. Pearce, 221½ St. Clair Street, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Tractors*, regardless of how equipped (except tractors used for pulling highway trailers); *scrapers*; *motor graders*, regardless of how equipped; *wagons*; *engine generators*; *engines and generators combined*; *welders*; *road rollers and compactors*; *cranes*, regardless of how equipped; *power sweepers*; *ditchers*; *pavers*; *asphalt plants*; *conveyors*; and *parts, attachments and accessories for the above commodities*, from Peoria, Joliet, Decatur, Aurora, Morton, and Mossville, Ill., and points within ten (10) miles of each, to points in Kentucky, Tennessee, Indiana, Ohio (except Columbus), Pennsylvania, West Virginia, and the New York, N.Y., Commercial Zone.

**NOTE:** Applicant states that it already has authority to perform all the above service except the transportation of parts, attachments and accessories for the commodities authorized, and the purpose of this application is to obtain authority to transport such parts, attachments and accessories.

**HEARING:** February 27, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel C. Shoup.

No. MC 123067 (Sub-No. 13) (AMENDMENT), filed December 1, 1961, published *FEDERAL REGISTER*, issue of January 17, 1962, amended January 17, 1962, and republished as amended this issue. Applicant: M & M TANK LINES, INC., P.O. Box 4174, North Station, Winston-Salem, N.C. Applicant's attorney: Edward G. Villalon, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline, kerosene, fuel oils, jet fuels, lubricating oils, and solvents*, in bulk, in tank vehicles, from Wilmington, N.C., to points in Virginia.

**NOTE:** The purpose of this republication is to add solvents to the commodities proposed to be transported.

**HEARING:** Remains as assigned January 31, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 7.

No. MC 123304 (Sub-No. 3), filed October 31, 1961. Applicant: SOUTHERN COURIERS, INC., 1316 North Carroll Street, Dallas, Tex. Applicant's attorney: Val Sanford, 811 Third National Bank Building, Nashville 3, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Commercial papers, documents and written instruments such as are used in the businesses of banks and banking institutions* (excluding coin, currency, bullion and negotiable securities), (2) *exposed and processed film and prints, complimentary replacement film and incidental dealer handling supplies used in and for shipping said film* (other than for commercial theatre, or television exhibition), and (3) *punch cards and business papers and records and audit media* (other than plant removals), between Chattanooga, Tenn., and Birmingham and Montgomery, Ala., on the one hand, and, on the other, points in Georgia, lying on the north of U.S. Highway 80, as it extends from the Alabama-Georgia border easterly to the Atlantic Ocean; (B) (1) *Commercial papers, documents and written instruments as are used in the businesses of banks and banking institutions* (except coin, currency, bullion and negotiable securities), (2) *exposed and processed film and prints, complimentary replacement film and incidental dealer handling supplies used in and for shipping said film* (other than for commercial theatre, or television exhibition), between Memphis, Nashville, Knoxville, and Chattanooga, Tenn., and Atlanta, Ga., on the one hand, and, on the other, points in Lauderdale, Limestone, Madison, Jackson, DeKalb, Cherokee, Cleburne, Randolph, Clay, Talladega, Shelby, Jefferson, Tuscaloosa, Pickens, Lamar, Marion, Franklin, Col-



bert, Lawrence, Morgan, Marshall, Eutaw, Calhoun, St. Clair, Blount, Fayette, Walker, Winston, and Cullman Counties, Ala.; (C) *Sales audit media consisting of cash register tapes, charge sales and cash tickets, applications and other documents involved in the processing of these business or sales audit media, payroll time sheets, employees personnel records, payroll checks, including recaps of time sheets and payroll records*, (a) between Houston, Tex., on the one hand, and, on the other, Baton Rouge, Lafayette, Bogalusa, Hammond, Houma, Metairie, and New Orleans, La., and (b) between Beaumont, Tex., on the one hand, and, on the other, Lake Charles, La.; (D) (1) *Commercial papers, documents and written instruments such as are used in the businesses of banks and banking institutions* (excluding coin, currency, bullion and negotiable securities), (2) *exposed and processed film and prints, documentary replacement film and incidental dealer handling supplies used in and for shipping said film* (other than for commercial theatre, or television exhibition), and (3) *punch cards and business papers and records and audit media* (other than plant removals), between Memphis, Nashville, and Knoxville, Tenn., on the one hand, and, on the other, points in Kentucky lying on the south and on the west of the following line: Kentucky Highway 54 from the Indiana-Kentucky line to its junction with U.S. Highway 62 at Leitchfield, and continuing on U.S. Highway 62 to its junction with Springfield and U.S. Highway 150; thence eastward on U.S. Highway 150 to its junction with U.S. Highway 25 at Mt. Vernon; thence from Mt. Vernon to London on U.S. Highway 25 and Kentucky Highway 80; thence from London to Hyden on U.S. Highway 421; thence from Hyden along U.S. Highway 421 to the Kentucky-Virginia border; and (E) (1) *Commercial papers, documents and written instruments such as are used in the businesses of banks and banking institutions* (excluding coin, currency, bullion and negotiable securities), (2) *exposed and processed film and prints, documentary replacement film and incidental dealer handling supplies used in and for shipping said film* (other than for commercial theatre, or television exhibition), and (3) *punch cards and business papers and records and audit media* (other than plant removals), between Memphis, Nashville, Knoxville, and Chattanooga, Tenn., and points in Washington and Sullivan Counties, Tenn., on the one hand, and, on the other, Bristol, Va.

NOTE: Applicant states it is controlled by Arthur DeBevoise, who also controls Armored Carrier Corporation, a contract carrier operating under MC 112750.

HEARING: March 15, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Francis A. Welch.

No. MC 123811 (Sub-No. 1), filed August 22, 1961. Applicant: GRIFFIN BAKING CO., a corporation, 4411 West Market Street, Greensboro, N.C. Applicant's attorney: John W. Hardy, Greensboro, N.C. Authority sought to operate as a *contract carrier*, by motor vehicle,

over irregular routes, transporting: *Perishable bakery products such as cakes, pastries and other baked goods*, (1) from Charlotte, N.C., to Columbia, S.C., and Statesville, N.C., (2) from Statesville, N.C., to Greensboro, N.C., and (3) from Greensboro, N.C., to Greenville, N.C., Charlottesville, Va., and Washington, D.C., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, in connection with routes (1), (2), and (3), on return.

HEARING: February 23, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner A. Lane Cricher.

No. MC 123821, filed July 19, 1961. Applicant: LESTER R. SUMMERS, INC., 17 Gerhart Avenue, Ephrata, Pa. Applicant's attorney: John M. Musselman, State Street Building, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crushed stone*, from points in Lancaster County, Pa., to points in Delaware and Maryland, and (2) *sand*, from points in Cecil and Harford Counties, Md., to points in Berks and Lancaster Counties, Pa., and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified in (1) and (2) above.

HEARING: February 28, 1962, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 199, or if, the Joint Board waives its right to participate, before Examiner Parks M. Low.

No. MC 123872 (Sub-No. 1), filed September 11, 1961. Applicant: W & L MOTOR LINES, INC., 948 10th Street NE, P.O. Box Annex 1580, Hickory, N.C. Applicant's attorney: Boyce A. Whitmire, Hendersonville, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, cartoned and uncartoned, from points in Burke and Catawba Counties, N.C., to points in Minnesota, Kansas, and Colorado.

HEARING: February 28, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner A. Lane Cricher.

No. MC 123927 (Sub-No. 1), filed December 29, 1961. Applicant: JOHN F. KIRKSEY, doing business as KIRKSEY TRUCKING, Route 4, 9932 Jefferson Davis Highway, Richmond 34, Va. Applicant's attorney: Paul A. Sherier, 613 Warner Building, 13th and E Streets NW., Washington 4, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Barrel staves and headings*, in bundles, from points in Powhatan County, Va., to Chicago, Danville and Joliet, Ill., Birmingham, Mich., St. Paul, Minn., St. Louis, Mo., Jersey City, Phillipsburg, Rahway and Trenton, N.J., New York and Port Chester, N.Y., Beaver Falls, Conshohocken, Lebanon, Philadelphia, and Pittsburgh, Pa., and Cudahy and Milwaukee, Wis.

HEARING: February 26, 1962, at the U.S. Court Rooms, Richmond, Va., before Examiner A. Lane Cricher.

No. MC 124005 (Sub-No. 1), filed December 6, 1961. Applicant: HOWARD W. SHERMAN, doing business as SHERMAN'S TOWING AND SERVICE, 298 Montgomery Avenue, Cranston, R.I. Applicant's representative: Russell B. Curnett, 49 Weybosset Street, Providence, R.I. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles*, by towaway and truckaway service, between points in Rhode Island on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, New York, and Vermont.

HEARING: March 12, 1962, at the Federal Building, Providence, R.I., before Examiner Abraham J. Essrick.

No. MC 124009, filed October 27, 1961. Applicant: FRANCIS P. O'BRIEN and JOHN F. ESCHMANN, doing business as DIRECT AIRPORT SERVICE, 44 Caldwell Street, Huntington Station, N.Y. Applicant's attorney: Robert DeKroyft, Woolworth Building, 233 Broadway, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, and Household Goods as defined by the Commission), between Newark Municipal Airport, Newark, N.J., New York International Airport (Idlewild), N.Y., LaGuardia Airport, N.Y., and MacArthur Airport, Islip, N.Y., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y.

NOTE: Applicant states the proposed "service is restricted to shipments having an immediately prior, or immediately subsequent movement by aircraft."

HEARING: March 6, 1962, at 346 Broadway, New York, N.Y., before Examiner Abraham J. Essrick.

No. MC 124034, filed November 5, 1961. Applicant: SCHWERMAN TRUCKING CO. OF N.Y., INC., 620 South 29th Street, Milwaukee 26, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in packages, from College Point (located in the Borough of Queens, Queens County) and Port Washington (Town of North Hempsted) N.Y., and Jersey City, N.J., to points in Westchester, Orange, Dutchess, Ulster, Sullivan, Putnam, Rockland, Suffolk, and Nassau Counties, N.Y., points in the five (5) New York City Boroughs, i.e., Bronx (Bronx County), Brooklyn (Kings County), Manhattan (New York County), Queens (Queens County), and Staten Island (Richmond County), N.Y., and points in New Jersey and Connecticut.

NOTE: Applicant states it holds contract authority under MC 117538 and Subs thereto. Applicant further states it is controlled by Schwerman Trucking Co. (Wisconsin parent Corp.), who also controls Schwerman Trucking Co. of Ohio, Schwerman Co. of Pa., Inc., Schwerman Trucking Co. of Indiana, Inc., Schwerman Trucking Co. of Illinois, Inc. and Schwerman Trucking Co. of Texas.



**HEARING:** February 27, 1962, at 346 Broadway, New York, N.Y., before Examiner James A. McKiel.

No. MC 124034 (Sub-No. 1), filed November 5, 1961. Applicant: SCHWERMANN TRUCKING CO., OF N.Y., INC., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, and in packages, from Providence, R.I., to points in Rhode Island, Massachusetts, and Connecticut.

**NOTE:** Applicant holds contract authority under MC 117538 and Subs thereunder therefore dual operations may be involved.

**HEARING:** March 14, 1962, at the Federal Building, Providence, R.I., before Joint Board No. 134, or, if the Joint Board waives its right to participate before Examiner Abraham J. Essrick.

No. MC 124034 (Sub-No. 2), filed November 8, 1961. Applicant: SCHWERMANN TRUCKING CO. of N.Y., INC., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (Same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, and in packages, from the site of the transfer terminal of the Alpha Portland Cement Company at or near Westboro, Mass., to points in Rhode Island, points in Hillsboro and Rockingham Counties, N.H., points in Tolland and Windham Counties, Conn., and points in Barnstable, Bristol, Essex, Middlesex, Norfolk, Plymouth, Suffolk, and Worcester Counties, Mass.

**NOTE:** Applicant holds contract authority under MC 117538 and subs thereto; and therefore, dual operations may be involved. Applicant states, it "is controlled by Schwermann Trucking Co., (Wisconsin Parent Corporation)."

**HEARING:** March 8, 1962, at 346 Broadway, New York, N.Y. before Examiner Abraham J. Essrick.

No. MC 124040, filed November 13, 1961. Applicant: AVACO MOTOR LINES, INC., 552 West 48th Street, New York 19, N.Y. Applicant's representative: William D. Traub, 350 Fifth Avenue, New York 1, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations, cosmetics, and materials, supplies, and equipment*, used in the manufacture, distribution, and sale of toilet preparations, between points in the New York, N.Y., Commercial Zone as defined by the Commission, and points in Bergen, Essex, Hudson, Passaic, Union, and Middlesex Counties, N.J., on the one hand, and, on the other, Rochester, N.Y.

**HEARING:** February 28, 1962, at 346 Broadway, New York, N.Y., before Examiner James A. McKiel.

No. MC 124058, filed November 20, 1961. Applicant: HAROLD LEVENSON, 317 West 35th Street, New York, N.Y. Applicant's attorney: Jerome G. Greenspan, 404 Clarendon Road, Uniondale, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle,

over irregular routes, transporting: *Children's dresses on hangers, racks, and in boxes, cartons and other packages; cut goods, piece goods, zippers, buttons, bindings, lace, and trimmings*, which is used to manufacture children's dresses, between East Newark, N.J., and New York, N.Y.

**HEARING:** March 2, 1962, at 346 Broadway, New York, N.Y., before Examiner James A. McKiel.

No. MC 124063, filed November 24, 1961. Applicant: L. T. McCULLOUGH, doing business as MIDWAY TRAILER SALES, 3707 West Cummings Highway, Chattanooga, Tenn. Applicant's attorney: Raymond A. Graham, Title Guaranty & Trust Co. Building, 615 Walnut Street, Chattanooga, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes or trailers*, designed to be drawn by passenger automobiles, in secondary movements between Chattanooga, Tenn., and points located in Marion, Sequatchie, Meigs, Rhea, and Bradley Counties in Tennessee, points in Walker, Dade, and Catoosa Counties, Ga., and points in Jackson and De Kalb Counties, Ala., on the one hand, and on the other, points in the United States except Hawaii and Alaska.

**HEARING:** March 19, 1962, at the Dinkler-Andrew Jackson Hotel, before Examiner Francis A. Welch.

No. MC 124089, filed December 7, 1961. Applicant: ABREAU TRUCKING, INC., 21 Wilbur Street, Taunton, Mass. Applicant's representative: Russell B. Curnett, 49 Weybosset Street, Providence 3, R.I. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Highway construction materials and materials excavated directly from the ground*, when moving in dump vehicles and unloaded at destination by dumping, between points in Massachusetts on and east of a line beginning at the Massachusetts-Connecticut State line, thence north on U.S. Highway 5 to the Massachusetts Turnpike, thence east on the Massachusetts Turnpike to Massachusetts Highway 12, thence north on Massachusetts Highway 12 to Worcester, Mass., thence east on Massachusetts Highway 9 to U.S. Highway 20, thence east on U.S. Highway 20 to Boston, Mass., on the one hand, and, on the other, points in Rhode Island and that part of Connecticut on and east of U.S. Highway 5.

**HEARING:** March 13, 1962, at the Federal Building, Providence, R.I., before Joint Board No. 134, or, if the Joint Board waives its right to participate before Examiner Abraham J. Essrick.

No. MC 124126, filed January 2, 1962. Applicant: LUCIEN BISSON, INC., 29 Commercial Street, Bath, Maine. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, tools, and repair parts and supplies* for the repair and servicing of ships, rock crushers, and other machinery produced or served by the Bath Iron Works, from Bath, Maine, to points in New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New

Jersey, Delaware, Maryland, Virginia, North Carolina, Pennsylvania, West Virginia, and Ohio; and (2) *salvaged machinery, tools and repair parts and supplies* from the above-named States to Bath, Maine.

**HEARING:** March 15, 1962, at the Senate Chamber, State House, Augusta, Maine, before Examiner James A. McKiel.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 2866 (Sub-No. 14), filed November 2, 1961. Applicant: EDWARDS MOTOR TRANSIT COMPANY, a corporation, 56 East Third Street, Williamsport, Pa. Applicant's attorney: Robert H. Griswold, Commerce Building (P.O. Box 432), Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, mail and newspapers*, in the same vehicle with passengers, between junction Pennsylvania Highways 45 and 145, at or near Lehigh Gap, Pa., and Philadelphia, Pa.; from junction Pennsylvania Highways 45 and 145, at or near Lehigh Gap, over Pennsylvania Highway 145 to Allentown, Pa., thence over U.S. Highway 309 to Quakertown, Pa., thence over Pennsylvania Highway 313 to junction U.S. Highway 611, north of Doylestown, Pa., thence over U.S. Highway 611 to Philadelphia, and return over the same route, serving all intermediate points. **RESTRICTIONS:** No passengers will be transported over the above-specified route: (1) between points on carrier's presently authorized interstate routes in the area bounded by Shamokin, Shenandoah, Hometown, Tamaqua, junction Pennsylvania Highway 443 and U.S. Highway 309, Pottsville, and Frackville, Pa., on the one hand, and, on the other, points beyond Philadelphia, via the Philadelphia gateway; and (2) between points in carrier's presently authorized interstate routes in the area bounded by Shamokin, Shenandoah, Hometown, Tamaqua, junction Pennsylvania Highway 443 and U.S. Highway 309, Pottsville, and Frackville, Pa., on the one hand, and, on the other, Allentown and Quakertown, Pa., and points intermediate thereto.

**NOTE:** Applicant states that in MC 2866 (Sub-No. 13) it holds the above-described authority but subject to the following additional restriction: "No passengers will be transported over the above-specified route: (1) between Allentown and Quakertown, Pa., and points intermediate thereto, on the one hand, and, on the other, points beyond Philadelphia, via the Philadelphia gateway." The instant application, in effect, seeks to eliminate the foregoing restriction (1). If it is granted, applicant would request cancellation of its Certificate No. MC 2866 (Sub-No. 13).

**HEARING:** February 26, 1962, in Room 300, U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pa., before Joint Board No. 65, or, if the Joint Board waives its right to participate before Examiner Abraham J. Essrick.

No. MC 3647 (Sub-No. 318), filed December 12, 1961. Applicant: PUBLIC SERVICE COORDINATED TRANS-



PORT, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at Irvington, N.J., and extending to points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, South Carolina, Ohio, West Virginia, and Wisconsin.

**HEARING:** February 26, 1962, Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner Edith H. Cockrill.

No. MC 3647 (Sub-No. 320), filed January 18, 1962. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers; (1) Between Matawan, N.J., and Wall Township, N.J., from Matawan over New Jersey Highway 34 to junction Garden State Parkway Interchange No. 96 at Garden State Parkway, Wall, N.J., and return from Garden State Parkway at Garden State Parkway Interchange No. 97 and New Jersey Highway 38, Wall, N.J., thence over New Jersey Highway 38 to junction New Jersey Highway 34, thence over New Jersey Highway 34 to Matawan, and return over the same route, serving all intermediate points; (2) Between junction New Jersey Highway 34 and County Highway 520, Holmdel, N.J., and Garden State Parkway Interchange No. 109 at Garden State Parkway, Middletown, N.J., from junction New Jersey Highway 34 and County Highway 520, Holmdel, over County Highway 520 to Garden State Parkway Interchange No. 109 at Garden State Parkway, Middletown, and return over the same route, serving all intermediate points; and (3) Between junction Garden State Parkway Interchange No. 123 at Garden State Parkway and U.S. Highway 9, Sayreville, N.J., and Garden State Parkway Interchange No. 91 at Burnt Tavern Road, Brick, N.J., from junction Garden State Parkway Interchange No. 123 at Garden State Parkway and U.S. Highway 9, over Garden State Parkway to Garden State Parkway Interchange No. 91 at Burnt Tavern Road, Brick, and return over the same route, serving all intermediate points.

**NOTE:** Applicant states it presently operates over the route shown as (3) above, except that the service is presently restricted as follows: "Said carrier shall not transport traffic over the Garden State Parkway between New York, N.Y., on the one hand, and, on the other, (1) points in Monmouth County, N.J., on or east of the Garden State Parkway, (2) points in Point Pleasant Borough and Point Pleasant Beach in Ocean County, N.J., (3) points in that part of Brick Township, Ocean County, N.J., on or north of Burnt Tavern Road between the Garden State Parkway and New Jersey Highway 70, and north of Herbertsville Road be-

tween New Jersey Highway 70 and the Point Pleasant Borough municipal line." Applicant further states it is its intention to remove said restriction.

**HEARING:** February 19, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

No. MC 109495 (Sub-No. 8), filed November 22, 1961. Applicant: BRUNSWICK TRANSPORTATION COMPANY, INC., Elm and Middle Streets, Brunswick, Maine. Applicant's attorney: Kenneth B. Williams, 111 State Street, Boston 9, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, and their baggage* in the same vehicle with passengers, in charter operations, between points in Cumberland, Androscoggin, Sagadahoc, and Kennebec Counties, Maine, on the one hand, and on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, District of Columbia, Virginia, Illinois, and Florida.

**HEARING:** March 8, 1962, at the Federal Building, Federal Street, Portland, Maine, before Examiner James A. McKiel.

No. MC 114677 (Sub No. 3), filed May 25, 1961. Applicant: RICHARD LAVERNE HESS, doing business as HESS BUS SERVICE, R.F.D. No. 1, Westminster, Md. Applicant's attorney: William J. Little, 1513 Fidelity Building, Baltimore 1, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, not exceeding 100 pounds in weight, mail, and newspapers*, in the same vehicle with passengers (1) Between Baltimore, Md., and Littlestown, Pa.; from Baltimore over Maryland Highway 26 to Eldersburg, Md., thence over Maryland Highway 32 to Westminster, Md., thence over U.S. Highway 140 to Littlestown, and return over the same route, serving all intermediate points; (2) Between Eldersburg, Md., and Sykesville, Md.; from Eldersburg over Maryland Highway 32 to Sykesville, and return over the same route, serving all intermediate points; (3) Between Baltimore, Md., and Westminster, Md.; from Baltimore over U.S. Highway 140 to Westminster, and return over the same route, serving no intermediate points, but serving the termini for joinder purposes only, as an alternate route for operating convenience only, in connection with Route (1) above.

**NOTE:** Applicant states that it presently holds authority to transport passengers and their baggage over regular routes between Mayberry, Md. and Littlestown, Pa., serving the intermediate points of Westminster, Union Mills, and Silver Run, Md., with service restricted to traffic originating at or destined to the plants of the Carroll Shoe Company and the Littlestown Clothing Company at Littlestown, Pa. Applicant states it also seeks removal of this restriction.

**HEARING:** March 1, 1962, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 74, or, if the

Joint Board waives its right to participate, before Examiner Parks M. Low.

#### APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

##### MOTOR CARRIERS OF PROPERTY

No. MC 19945 (Sub-No. 10), filed January 8, 1962. Applicant: BEHNKEN TRUCK SERVICE, INC., Illinois Route 13, New Athens, Ill. Applicant's attorney: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Jefferson County, Ill., to St. Louis, Mo., and points in St. Louis County, Mo.

No. MC 46518 (Sub-No. 9), filed January 12, 1962. Applicant: R. F. C. TRANSPORT, INC., P.O. Box 905, Rochester 3, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, P.O. Box 25, Webster, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baby supplies, such as, but not restricted to, plastic toys, baby pants, toddler pants, covers for jars and tins*, in mixed shipments with baby foods, from Rochester, N.Y., to Providence and Woonsocket, R.I., Hackensack, Elizabeth, Irvington, Newark, Passaic and Paterson, N.J., New York, N.Y., and points in Connecticut and Massachusetts, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

No. MC 85255 (Sub-No. 16), filed January 15, 1962. Applicant: PUGET SOUND TRUCK LINES, INC., Pier 62, Seattle, Wash. Applicant's attorney: Charles J. Keever, Washington Building, Seattle 1, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, hogged fuel, sawdust and wood waste*, from Vancouver, Wash., to Camas, Wash., by way of Portland, Oreg.

**NOTE:** Applicant states it would transport same load of subject commodities both into and out of Portland, Oreg.

No. MC 107002 (Sub-No. 169), filed January 15, 1962. Applicant: W. M. CHAMBERS TRUCK LINE, INC., 920 Louisiana Boulevard, Box 547, Kenner, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum residual fuel oil*, in bulk, in tank vehicles, from Holt, Ala., to Belton, Ky.

No. MC 119530 (Sub-No. 3), filed January 15, 1962. Applicant: CLARENCE M. MAY AND SCOTT PEARSON, doing business as MAY TRUCKING CO., P.O. Box 398, Payette, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed*, animal or poultry, manufactured or processed, in bulk or in containers, from Ontario, Oreg., to points in Idaho south of the Salmon River.

##### MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub-No. 258), filed January 2, 1962. Applicant: THE GREY-



**HOUND CORPORATION**, 140 South Dearborn Street, Chicago 3, Ill., Applicant's attorney: Robert J. Bernard, The Greyhound Corporation, 140 South Dearborn Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, mail, and newspapers*, in the same vehicle with passengers, (1) between Covington, Ky., and junction Interstate Highway 75 and Kentucky Highway 36 at or near Williamstown, Ky., from Covington over Interstate Highway 75 to the Interchange, thence over unnumbered access road to junction Interstate Highway 75, thence over Interstate Highway 75 to junction Kentucky Highway 36 at or near Williamstown, and return over the same route, serving all intermediate points; and (2) between junction Interstate Highway 75 and Kentucky Highways 14 and 16 and Walton, Ky., at junction U.S. Highway 25, over Kentucky Highways 14 and 16, serving all intermediate points.

No. MC 1501 (Sub-No. 259), filed January 2, 1962, Applicant: **THE GREYHOUND CORPORATION**, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Robert J. Bernard, commerce attorney, The Greyhound Corporation, 140 South Dearborn Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage, and express, mail, and newspapers*, in the same vehicle with passengers, between junction U.S. Highway 31 and Interstate Highway 65 near Alabaster, Ala., and junction U.S. Highway 31 and Interstate Highway 65 north of Prattville, Ala., from interchange of U.S. Highway 31 and Interstate Highway 65 near Alabaster, Ala., over Interstate Highway 65 to its interchange with U.S. Highway 31, approximately eleven (11) miles north of Prattville, Ala., and return over the same route, serving all intermediate points.

No. MC 2866 (Sub-No. 15), filed January 15, 1962. Applicant: **EDWARDS MOTOR TRANSIT COMPANY**, a Pennsylvania corporation, 56 East Third Street, Williamsport, Pa. Applicant's attorney: Robert H. Griswold, Commerce Building, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, mail and newspapers*, in the same vehicle with passengers, (1) between Clearfield, Pa., and DuBois, Pa., serving no intermediate points; from Clearfield over Pennsylvania Highway 153 to junction with Pennsylvania Highway 410, thence over Pennsylvania Highway 410 to Rockton, Pa., thence over unnumbered highway via Oklahoma, Pa., to DuBois, and return over the same route; (2) between junction of Pennsylvania Highways 14 and 15, at or near Trout Run, Pa., and junction of New York Highways 328 and 14, at or near Southport, N.Y., serving no intermediate points; from junction of Pennsylvania Highways 14 and 15, over Pennsylvania Highway 14 and New York Highway 14

to junction with New York Highway 328, and return over the same route; and (3) between Wilcox, Pa., and Lantz Corners, Pa., serving no intermediate points; from Wilcox over U.S. Highway 219 to Lantz Corners, and return over the same route.

No. MC 58177 (Sub-No. 6), filed January 18, 1962. Applicant: **SOUTHERN COACH COMPANY**, a corporation, 1300 East Pettigrew Street, Durham, N.C. Applicant's attorney: Paul Coyle, 5631 Utah Avenue NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, mail and newspapers* in the same vehicle with passengers, between junction of U.S. Highway 421 and North Carolina Highway 40, and Wilmington, N.C.; from junction U.S. Highway 421 and North Carolina Highway 40, over U.S. Highway 421 to Wilmington, and return over the same route, serving all intermediate points.

No. MC 108531 (Sub-No. 3), filed January 10, 1962. Applicant: **BLUE BIRD COACH LINES, INC.**, 502-504 North Barry Street, Olean, N.Y. Applicant's attorney: Albert J. Tener, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, mail and newspapers* in the same vehicle with passengers; (1) Between Port Allegany, Pa., and Buffalo, N.Y., from Port Allegany over Pennsylvania Highway 155 to junction Pennsylvania Highway 446, thence over Pennsylvania Highway 446 to the Pennsylvania-New York State line, thence over New York Highway 16 to Yorkshire, N.Y., thence over New York Highway 39 to Arcade, N.Y., thence return over New York Highway 39 to Yorkshire, N.Y., thence over New York Highway 16 through East Aurora, N.Y., to junction Transit Road, thence over Transit Road to junction Bullis Road, thence over Bullis Road to junction Lein Road, thence over Lein Road to junction Seneca Creek Road, thence over Seneca Creek Road to junction New York Highway 18B, thence over New York Highway 18B to Gardenville, N.Y. (also from East Aurora, N.Y., over New York Highway 78A to junction New York Highway 354, thence over New York Highway 354 to Gardenville, N.Y.), and thence over New York Highway 354 to Buffalo, and return over the same routes, serving all intermediate points; (2) Between Salamanca, N.Y., and Bradford, Pa., from Salamanca over New York Highway 17 to the intersection of New York Highway 17 and U.S. Highway 219 (sometimes referred to as Bradford Junction), thence over U.S. Highway 219 to Bradford, and return over the same route, serving all intermediate points; and (3) Between Olean, N.Y., and Bradford, Pa., from Olean over New York Highway 17 to the intersection of New York Highway 17 and U.S. Highway 219 (sometimes referred to as Bradford Junction), thence over U.S. Highway 219 to Bradford, and return over the same route, serving all intermediate points.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 59135 (Sub-No. 13), filed January 2, 1962. Applicant: **RED STAR EXPRESS LINES OF AUBURN, INCORPORATED**, doing business as **RED STAR EXPRESS LINES**, 24-50 Wright Avenue, Auburn, N.Y. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Syracuse, N.Y., and Cortland, N.Y., as follows: From Syracuse over New York Highway 91 to Fabius, N.Y., thence over New York Highway 80 to New Woodstock, N.Y., thence over New York Highway 13 to Cortland, thence over New York Highway 41 to Gee Brook, N.Y., thence over New York Highway 26 to Otselic, N.Y., thence over New York Highway 80 to Sheds, N.Y., thence over New York Highway 13 to Cazenovia, N.Y., thence over New York Highway 20N to Fayetteville, N.Y., thence over New York Highway 5 to Syracuse, and return over the same route, serving all intermediate points, and serving the villages of Lebanon (Madison County), Pompey Center (Onondaga County), and Willet (Cortland County), and the Hamlets of Apulia, Apulia Station, and Delphi Falls (the latter three located in Onondaga County), Chenango (Cortland County), Erieville (Madison County), and Pharsalia (Chenango County) as off-route points; (2) Between Syracuse, N.Y., and Oswego, N.Y., as follows: (a) from Syracuse over New York Highway 48 to Oswego (also from Syracuse over New York Highway 57 to Oswego), and return over the same route, serving all intermediate points; (b) from Syracuse over New York Highway 370 to Baldwinsville, N.Y., thence over New York Highway 48 to Oswego, and return over the same route, serving all intermediate points; and (c) from Syracuse over New York Highway 57 to Fulton, N.Y., thence over New York Highway 3 to junction New York Highway 48, thence over New York Highway 48 to Oswego, and return over the same route, serving all intermediate points; and (3) Between Syracuse, N.Y., and Cortland, N.Y., from Syracuse over U.S. Highway 11 to Cortland (also from Syracuse over New York Highway 281 to Cortland), and return over the same route, serving all intermediate points.

NOTE: This application is directly related to MC-F 8036. Applicant states this application is being filed concurrently with a section 5 application whereby Red Star Express Lines seeks authority to acquire the registered operating rights of Gerald N. Springer and Hugh R. Springer, doing business as Springer's Express Lines.



## APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

## MOTOR CARRIERS OF PROPERTY

No. MC-F 8051. Authority sought for merger into MAISLIN BROS. TRANSPORT, LIMITED, 7401 Newman Boulevard, La Salle, Quebec, Canada, of the operating rights and property of MAISLIN TRANSPORT, INC., 7401 Newman Boulevard, La Salle, Quebec, Canada, and for acquisition by SAM MAISLIN, SYDNEY MAISLIN, SAUL MAISLIN, and ALEXANDER MAISLIN, all of La Salle, Quebec, Canada, of control of such rights and property through the transaction. Applicants' representative: William D. Traub, Transportation Consultant, 350 Fifth Avenue, New York 1, N.Y. Operating rights sought to be merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between New York, N.Y., and Watertown, N.Y., serving the intermediate points of Binghamton and Syracuse, N.Y., between New York, N.Y., and Utica, N.Y., with no service to intermediate points, between New York, N.Y., and Buffalo, N.Y., serving the intermediate point of Rochester, N.Y., and over an alternate route for operating convenience only, *general commodities*, with the above exceptions, over irregular routes, between points in New Jersey and New York, within 25 miles of the City Hall, New York, N.Y., and between points in New Jersey and New York within 25 miles of the City Hall, New York, N.Y., on the one hand, and, on the other, Oyster Bay, Ossining, and Peekskill, N.Y. MAISLIN BROS. TRANSPORT, LIMITED, is authorized to operate as a *common carrier* in New York and New Jersey. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8052. Authority sought for purchase by MORGAN DRIVE-AWAY, INC., 500 Equity Building, Elkhart, Ind., of a portion of the operating rights and certain property of ROBERT G. VESPER AND OTIS A. VESPER, a partnership, doing business as VESPER COMPANY, 2114 North Durfee Avenue, South El Monte, Calif., and for acquisition by RALPH H. MILLER, also of Elkhart, Ind., of control of such rights and property through the purchase. Applicants' attorney: John E. Lesow, Lesow & Lesh, 3737 North Meridian Street, Indianapolis 8, Ind. Operating rights sought to be transferred: *Trailers* designed to be drawn by passenger automobiles, in initial movements, in truckaway service, as a *common carrier* over irregular routes, from the plant site of Modernistic Industries at Gardena, Calif., and from El Monte, Calif., to points in Arizona, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Texas, Utah, Washington, and Wyoming, *trailers*, designed to

be drawn by passenger automobiles, in initial and secondary movements in truckaway services, from points in Los Angeles and Orange Counties, Calif., to points in Alaska, and *return of trailer undercarriages, springs, wheels and tires* which have been used or obtained, for use in the northbound movement of trailers, from points in Alaska, to points in Los Angeles and Orange Counties, Calif., and *trailers* designed to be drawn by passenger automobiles, in initial movements, in truck-away service, from the plant site of Transa Homes Corporation, Fullerton, Calif., to points in Arizona, Arkansas, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. Vendee is authorized to operate as a *common carrier* in 48 states and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8053. Authority sought for purchase by ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue, North, Saint Cloud, Minn., of a portion of the operating rights of DONALD B. TAYLOR, an individual, doing business as TAYLOR TRANSIT, 4261 Minnehaha Avenue, South, Minneapolis 6, Minn., and for acquisition by HAROLD E. ANDERSON, Saint Cloud, Minnesota, and ELMER ANDERSON, MABEL ANDERSON, ANNETTE ELLIASON, and KENNETH ELLIASON, all of Isle, Minn., of control of such rights through the purchase. Applicants' representative: Donald B. Taylor, P.O. Box 5111, Minneapolis 6, Minn. Operating rights sought to be transferred: *Agricultural implements*, as a *common carrier* over irregular routes from Waterloo, Iowa, to Nebraska City, Nebr., *washing machines*, from Newton, Iowa, to Nebraska City, Nebr., and *household goods and general commodities*, excepting, among others, commodities in bulk and Class A and B explosives, between points in Iowa, Missouri, and Nebraska within 25 miles of Nebraska City, Nebr., including Nebraska City. Vendee is authorized to operate as a *common carrier* in Minnesota, South Dakota, Wisconsin, Arizona, Iowa, Illinois, Nebraska, Indiana, Michigan, California, Ohio, Pennsylvania, New York, New Jersey, Maryland, Idaho, Delaware, New Hampshire, Kentucky, Missouri, Nevada, Maine, Kansas, Oklahoma, Connecticut, Massachusetts, New Mexico, Oregon, Rhode Island, Texas, Alabama, Arkansas, Florida, Georgia, Utah, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, North Dakota, Virginia, West Virginia, Vermont, Colorado, Montana, Wyoming, Washington, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8054. Authority sought for control and merger by E. BROOKE MATLACK, INC., Wilford Building, 33d and Arch Streets, Philadelphia 4, Pa., of the operating rights and property of CHARLES H. MCCREARY, INC., 605 Garfield Avenue, Newark, Ohio, and for

acquisition by DUVERNEY MATLACK, EDWIN L. MATLACK, E. BROOKE MATLACK, JR., AND ROBERT W. MATLACK, all of Philadelphia, Pa., of control of such rights and property through the transaction. Applicants' attorney: Robert H. Shertz, Wilford Building, 33d and Arch Streets, Philadelphia 4, Pa. Operating rights sought to be controlled and merged: *Commodities in bulk* (other than liquids, and except fly-ash), in vehicles especially designed for the transportation of dry bulk commodities, and in bulk shipping containers which require the use of special equipment for loading and unloading, and *returned empty containers* used in the transportation of such commodities, as a *common carrier* over irregular routes between points in Ashtabula, Cuyahoga, Lake Summit, Muskingum, Licking, Franklin, and Wayne Counties, Ohio, on the one hand, and, on the other, points in West Virginia, Pennsylvania, Kentucky, Indiana, and Michigan. RESTRICTION: The authority granted above is restricted against the transportation of: (1) shipments originating at, or destined to, points in Canada; (2) shipments of soda ash, in bulk, in hopper-type vehicles, from Barborton and Painesville, Ohio, to West Elizabeth, Pa.; (3) shipments of salt, from Detroit, Mich.; (4) building materials and road construction materials ordinarily transported in dump trucks; (5) bulk shipping containers filled or empty on other than lowboy equipment; and (6) bulk cement, between points in Ashtabula, Cuyahoga, Franklin, Lake, Licking, Muskingum, Summit, and Wayne Counties, Ohio, on the one hand, and, on the other, points in Michigan; *limestone and limestone products*, from points in Wyandot County, Ohio, to points in Indiana and West Virginia, and *empty containers* used in the transportation of the commodities specified next above, and *dry bulk commodities* used in the production of limestone products, from points in Indiana and West Virginia to points in Wyandot County, Ohio. E. BROOKE MATLACK, INC., is authorized to operate as a *common carrier* in Maryland, Delaware, Pennsylvania, Virginia, New Jersey, New York, Ohio, West Virginia, North Carolina, South Carolina, Georgia, Indiana, Alabama, Missouri, Tennessee, Minnesota, Michigan, Illinois, Wisconsin, Kentucky, Kansas, New Hampshire, Rhode Island, Connecticut, Massachusetts, Vermont, Florida, Iowa, Mississippi, Louisiana, Maine, and the District of Columbia, and as a *contract carrier* in Ohio, New York, New Jersey, Connecticut, Massachusetts, New Hampshire, Rhode Island, Vermont, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8056. Authority sought for control by ELTON E. BABBITT, an individual, doing business as NEW HOME TRANSIT, Box 398, New Brighton, Minn., of MILK TRANSPORT, INC., Box 398, New Brighton, Minn. Applicants' attorneys: Donald A. Morken and Val M. Higgins, Mackall, Crounse, Moore, Helme & Holmes, 1000 First National Bank Building, Minne-



apolis 2, Minn. Operating rights sought to be controlled: *Milk and milk products*, in bulk, in tank vehicles, as a *common carrier*, over irregular routes, from points in Minnesota to points in Arkansas, Colorado, Florida, Illinois, Louisiana, Massachusetts, Missouri, Nebraska, New Jersey, Ohio, Pennsylvania, New Mexico, New York, Oklahoma, and Texas, *liquid paraffin wax*, in bulk, in tank vehicles, from Beaumont, Tex., to Minneapolis, Minn., and Cedar Rapids, Iowa, from Ponca City, Okla., to Stillwater, Minn., from West Lake Charles, La., to Minneapolis and Stillwater, Minn., *vinegar*, in bulk, in tank vehicles, from Kansas City, Mo., to Omaha and Lincoln, Nebr., and points in Iowa and Minnesota, from St. Joseph, Mo., to Minneapolis and St. Paul, Minn., and points in Iowa, from Chaska, Minn., to Eau Claire, Wis., *lard*, in bulk, in tank vehicles, from Dubuque, Iowa, to Worcester, Mass., and Dayton, Ohio, *tallow*, in bulk, in tank vehicles, from New York, N.Y., and Philadelphia, Pa., to Dubuque, Iowa, *edible oils*, in bulk, in tank vehicles, from Mankato, Minn., and Chicago, Ill., to points in Florida, *coffee beans*, from New York, N.Y., to Duluth, Minn., *liquid wax*, in bulk, in tank vehicles, from the plant site of Sun Oil Company's refinery at or near Marcus Hook, Pa., to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, and *returned shipments of liquid wax*, in bulk, in tank vehicles, from points in the destination States specified above, to the plant site of Sun Oil Company's refinery at or near Marcus Hook, Pa. ELTON E. BABBITT, is authorized to operate as a *common carrier* in Minnesota, North Dakota, South Dakota, Colorado, Illinois, Iowa, Kansas, Michigan, Missouri, Montana, Nebraska, Wisconsin, and Wyoming. Application has not been filed for temporary authority under section 210a(b).

NOTE: Applicant requests dismissal for lack of jurisdiction.

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 62-769; Filed, Jan. 23, 1962;  
8:47 a.m.]

[Notice 588]

### MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 19, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the

order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64664. By order of January 18, 1962, the Transfer Board approved the transfer to Heavy Duty Haulers, Inc., Columbia, S.C., of a portion of Certificate No. MC 44401, issued July 12, 1961, to Maitland Brothers Transfer, Incorporated, Petersburg, Va., authorizing the transportation of: Heavy machinery, between points in Virginia, on the one hand, and, on the other, points in North Carolina. Clyde W. Carver, 214 Grant Building, Atlanta, Ga., attorney for applicant.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 62-770; Filed, Jan. 23, 1962;  
8:47 a.m.]

[Notice 9]

### APPLICATIONS FOR "GRANDFATHER" ALASKA CERTIFICATE OR PERMIT AND HAWAII FREIGHT FORWARDER PERMIT

JANUARY 19, 1962.

Under sections 206(a)(4), 206(a)(5), 209(a)(4), 209(a)(5), 309(a), 309(f), 410(a)(2), and 410(a)(3) of the Interstate Commerce Act, as amended July 12, 1960.

Section 1.243 of the Commission's special rules of practice have been amended to cover "grandfather" applications filed under the July 12, 1960, amendments.

Protests to the granting of an application must be filed with the Commission within 75 days of this publication in the FEDERAL REGISTER. A copy of the protest must be served on applicant's representative or on applicant if no practitioner represents him. The special rules provide further that failure to file a timely protest will be construed as a waiver of opposition and participation in the proceeding.

### FREIGHT FORWARDER HAWAII "GRANDFATHER" RIGHTS

No. FF 266 (CLARIFICATION), filed December 27, 1960, published FEDERAL REGISTER, issue of March 8, 1961, amended December 4, 1961, and republished issue of January 4, 1962, and republished as clarified, this issue. Applicant: MILTON J. DALY, doing business as HAWAIIAN EXPRESS & DILLON DRAYAGE CO., 646 First Street, San Francisco, Calif. Applicant's attorney: Marvin Handler, 625 Market Street, San Francisco 5, Calif. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of: *General commodities*, (1) between points within 50 miles of San Francisco, Calif., including San Francisco, on the one hand, and, on the other, points in Hawaii.

NOTE: The purpose of this republication is to reflect that applicant proposes to serve the 50-mile radius, including San Francisco,

Calif., and also to show Mr. Handler as applicant's attorney.

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 62-771; Filed, Jan. 23, 1962;  
8:47 a.m.]

[Ex Parte No. MC-37 (Sub-No. 4)]

### PETITION FOR DEFINITION OF COMMERCIAL ZONE AND TERMINAL AREA FOR NASHVILLE, TENNESSEE

JANUARY 19, 1962.

Petitioners: ASSOCIATED TRANSPORT, INC., C. & D. MOTOR DELIVERY CO., T.I.M.E., INCORPORATED, WILSON TRUCK COMPANY, INC., CAYCE TRANSFER & STORAGE CO., INC., OSBURN-HESSEY CO., FAYETTEVILLE TRANSFER CO., TOMPKINS MOTOR LINES, INC., THE DENVER CHICAGO TRUCKING, INC., OF KENTUCKY. Petitioners' attorneys: C. J. Braun, Jr., 380 Madison Ave., New York, N.Y. Robert Pearce, McClure Building, Frankfort, Ky. C. H. Hudson, Jr., Broadway National Bank Building, Nashville, Tenn. John Womack, 176 Lafayette Street, Nashville, Tenn. Jack Goodman, 39 South LaSalle Street, Chicago, Ill. By petition filed October 6, 1959, petitioners seek enlargement of the present zone limits of Nashville to include additional areas in Davidson County, Tenn., bounded generally on the south by the Williamson County-Davidson County boundary line, on the east by Old Hickory Boulevard, Lebanon Pike and the Wilson County-Davidson County boundary line, on the north by the Sumner County-Davidson County boundary line, Dickerson Pike, and Old Hickory Boulevard, and on the west by Old Hickory Boulevard, Hydes Ferry Pike, the Cheatham County-Davidson County Boundary line, River Road Pike and Old Hickory Boulevard. The matter has been assigned for hearing:

HEARING: March 21, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Francis A. Welch.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 62-772; Filed, Jan. 23, 1962;  
8:47 a.m.]

### FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 18, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

#### LONG-AND-SHORT HAUL

FSA No. 37519: *Iron or steel articles from Ashland, Ky., to Laurel, Miss.* Filed by O. W. South, Jr., agent (No. A4148), for interested rail carriers. Rates on iron or steel articles, viz: bars or rods, noibn, plate or sheet, noibn, galvanized,



painted or plain, corrugated or not corrugated, in carloads, from Ashland, Ky., to Laurel, Miss.

Grounds for relief: Barge-rail competition.

Tariff: Supplement 26 to Southern Freight Association Tariff I.C.C. S-163.

FSA No. 37520: *Cement from Grand Rapids and Schoolcraft, Mich.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2599), for interested rail carriers. Rates on cement and related articles, in carloads, from Grand Rapids and Schoolcraft, Mich., to specified points in Indiana and Michigan.

Grounds for relief: Market competition, and short-line distance formula.

Tariff: Supplement 56 to Traffic Executive Association-Eastern Railroads tariff I.C.C. C-56.

By the Commission.

[SEAL]

HAROLD D. MCCOY,  
*Secretary.*

[F.R. Doc. 62-712; Filed, Jan. 22, 1962;  
8:47 a.m.]



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